# CONSVETVDO,

VEL

# *LEX MERCATORIA,*

OR

## *The Antient* Law-Merchant,

*Divided into three parts:*

ACCORDING TO THE
Essentiall parts of Traffique.

NECESSARIE FOR ALL
States-men, Iudges, Magistrates, Temporall and Ciuile Lawyers, Mint-men, Merchants, Mariners, and all others negotiating in all places of the World.

*By* GERARD MALYNES *Merchant.*

*Salus Populi, suprema Lex esto.*

LONDON,
Printed by ADAM ISLIP, and are to be sould by *Nicholas Bourne*, at the South entrance of the Royall Exchange.

*Anno Dom.* 1629.

MVSEVM
BRITAN
NICVM

# TO THE MOST HIGH AND MIGHTIE MONARCH IAMES, BY THE GRACE OF GOD, KING OF GREAT BRITTAINE, FRANCE, AND IRELAND, DEFENDOR OF THE FAITH.

*Most Dread and Gratious Soueraigne,*

THe ſtate of Monarchie muſt needes be the Supreameſt thing vnder the cope of Heauen, when Kings are not only Gods Lieutenants vpon earth, and ſit vpon his throne; but alſo are called Gods, by God himſelfe, in regard of their *Tranſendent Preheminences and Prerogatiues*, whereby they maintaine *Religion* and *Juſtice*, which are the onely true ſupporters and fundamentall ſtayes of all Kingdomes and Common-weales, ſo naturally vnited and conjoyned, that where both of them are not, properly there can be neither. Theſe high *Attributes* cauſe their Lawes to be ſacred, and conſequently religiouſly to be obſerued; whereby *Juſtice* is adminiſtred, which is *Diſtributiue* and *Commutatiue*. The *Commutatiue* part includeth

deth *Traffick*, which is the ſole peaceable inſtrument to inrich kingdomes and common-weales, by the meanes of *Equalitie* and *Equitie*, performed eſpecially by the *Law-Merchant* by reaſon of her ſtabilitie. For albeit that the gouernment of the ſaid kingdomes and common-weales doth differ one from another: 1 In the making of lawes and ordinances for their owne gouernment; 2 In the making of War, Peace, or Truce with forreine nations; 3 In the prouiding of money within themſelues for their ſafegard and defence; 4 In the election of chiefe officers & magiſtrates; and 5 In the manner of the adminiſtration of *Juſtice*, wherein many mutations are incident: yet the *Law-Merchant* hath alwaies beene found *ſemper eadem*, that is, conſtant and permanent without abrogation, according to her moſt auncient cuſtomes, concurring with the law of nations in all countries. Great reuerence is due vnto Lawes at all times, and hath beene in all ages. *Solon* cauſed the Athenians to ſweare to the obſeruation of his Lawes during the time of one hundreth yeares: *Licurgus* did imbrace a voluntarie perpetuall exile, to haue his lawes obſerued by the Lacedemonians vntill his return, intending neuer to return: and the Romans did ſuffer their old law of twelue tables (though vniuſt in many points) to decay by little & little, rather than to make a ſudden alteration of it, tending to the contempt of laws: greater reuerence then is due to the *Law-Merchant* which hath proued alwaies firme and inuiolable.

VVIse men haue obſerued, that happie are thoſe Common-weales which are gouerned by Philoſophers; happier is that King who can wiſely gouerne them; but moſt happie is your Maieſtie in whom true Philoſophie doth raigne and proſper, as vines do in eminent places, by an ineſtimable treaſure of an obſeruing, diſcerning, and applying Princely judgement, gouerning your kingdomes and dominions. The conſideration whereof (accompanied with my bounden duetie) hath emboldned me of late, to dedicate vnto your ſacred Maieſtie, a little treatiſe intitled *The maintenance of free Trade*, wherein mention is made of this *Volume*, which likewiſe is to be preſented vnto your highneſſe; for it befalleth vnto me, as it did to the Philoſopher, who (by progreſsion in wiſedome, endeauoring to attaine to the perfection of knowledge) did perceiue that the neerer approaching thereunto, ſeemed to him to be furtheſt off: ſo my endeuours (ſtriuing to deſerue ſome things at your royal hands) ſeeme vnto me to merit leaſt of all: But being confident of your moſt gratious benignitie and ſuperexceeding grace, I do offer vnto your moſt judiciall eyes this *Law-Merchant*, deſcribed according to the three eſſentiall parts of Trafficke with the means wherby the wealth of your Majeſties kingdomes and dominions may be increaſed and preſerued, which being done by juſt and politike courſes, may properly be called the *Preheminent ſtudie of Princes*, grounded, by *Commu-*

*tatio negotiativa*, vpon the rule of *Equalitie* and *Equitie* as aforesaid, obserued by your High wisdome vpon the Predominant part of Trade, which is the mysterie of *Exchange for Moneys betweene vs and forreine Nations*, wherein your Highnesse doth surpasse all the Treatises and Conferences had by your noble aunceſtors and predeceſſors Kings, with other Princes and States. If your most excellent Maiestie therefore shall be pleased (from the Zodiaque of your gratious aspect) to cast some reflecting beames vpon the plaine superficies of this *Law-Merchant*, euerie little sparke therein will become a flame, and all Merchants and others shall bee enabled to draw (by the Diameter of it) Meridian lines of your royall fauour, without which this Booke may be compared to a Sunne dyall which is no longer seruiceable, than whilest the Sunne beames doe illuminate the same. In hope of which superaboundant fauour, I doe apostrophate this Epistle, but doe multiplie my ardent praiers for your Maiesties most happie Raigne long to indure ouer vs, to Gods glorie and our comforts.

*Your Maiesties most loyall*

*and obedient subiect*

GERARD MALINES.

# TO THE COVRTEOVS READER.

THat famous Philoſopher Xenophon, *extolling the Perſian Lawes, teſtified that their Citizens from their infancie, were educated and taught not to attempt, or almoſt to imagine any thing but honeſt and iuſt. Which was the cauſe, as* Gellius *reporteth, that* Draco *a Citizen of Athens made their lawes ſo ſtrict and ſeuere, that it was ſaid They were written with Blood, and not with Inke: whereas on the other ſide the Law made by* Solon *was compared to a ſpiders web, which taketh the leſſer flies and ſuffers the greater to eſcape and to breake the ſame. So that (euerie extreame being vicious) Reaſon requireth a Law not too cruell in her Frownes, nor too partiall in her Fauors. Neither of theſe defects are incident to the* Law-Merchant, *becauſe the ſame doth properly conſiſt of the Cuſtome of Merchants in the courſe of Trafficke, and is approoued by all Nations, according to the definition of* Cicero, Vera Lex eſt recta Ratio, Natura congruens, diffuſa

diffusa in Omnes, Constans, Sempiterna: *True Law, is a right reason of nature agreeing therewith in all points, diffused and spread in all Nations consisting perpetually, whereby* Meum *and* Tuum *is distinguished and distributed by* Number, Weight *and* Measure, *which shall bee made apparant. For the maintenance of Trafficke and Commerce is so pleasant, amiable and acceptable vnto all Princes and Potentates, that Kings haue beene and at thu day are, of the Societie of Merchants: And many times (notwithstanding their particular differences and quarrells) they doe neuertheleſſe agree in this course of Trade, because riches is the bright Starre, whose hight Trafficke takes to direct it selfe by, whereby Kingdomes and Commonweales doe flouriſh, Merchants being the meanes and instruments to performe the same, to the Glorie, Illustration, and Benefit of their Monarchies and States. Questionleſſe therefore, the State of a Merchant is of great dignitie and to bee cheriſhed; for by them Countreys are discouered, Familiaritie betweene Nations is procured, and politike Experience is attained. Whereupon I haue beene mooued (by long obseruation) to put the worthines of the* Customarie Law of Merchants, *in plaine and compendious writing, by vndoubted principles, familiar examples, and demonstratiue reasons, without affectation of curious words, more than the grauitie of the Theame (in some places) did require.*

*I haue intituled the Booke, according to the an-*

*cient*

*cient name of* Lex Mercatoria, *and not* Ius Mercatorum; *becauſe it is a Cuſtomary Law approued by the authoritie of all Kingdomes and Commonweales, and not a Law eſtabliſhed by the Soueraigntie of any Prince, either in the firſt foundation or by continuance of time. And beginning with* Time, Number, VVeight *and* Meaſure, *I doe deſcend to the three Eſſentiall Parts of Trafficke, diuided into three parts accordingly, by comparing them to the* Bodie, Soule, *and* Spirit *of Commerce, namely,* Commodities, Money, *and* Exchange *for money by Billes of Exchanges. The firſt, as the* Bodie, *vpheld the World by Commutation and Bartring of Commodities, vntill money was deuiſed to bee coyned. The ſecond, as the* Soule *in the Bodie, did infuſe life to Traffike, by the meanes of Equalitie and Equitie preuenting aduantage betweene Buyers and Sellers. The third, as the* Spirit *and Facultie of the Soule, (being ſeated euerie where) corroborateth the Vitall Spirit of* Trafficke, *directing and controlling (by iuſt proportions) the prices and values of Commodities and Moneys. For euen as Merchants are the Inſtrumentall Cauſe of* Trade; *euen ſo is the Exchange for Moneys, the Efficient Cauſe with vs in the courſe of Trafficke, and become Predominant or ouerruling the price of Commodities and Moneys, as aforeſaid. This is manifeſted by three* Paradoxes *alluding to the ſaid three Eſſentiall Parts of Commerce, which (for a Corrollarie) I haue added in the latter end of*

*thu*

*this Booke, with such other worthy obseruations as in the first Chapter are declared. And euen as the roundnesse of the Globe of the World is composed of the Earth and Waters: So is the Bodie of* Lex Mercatoria, *made and framed of the Merchants* Customes, *and the* Sea-Lawes, *which are involued together as the Seas and Earth. In the description whereof, I haue vsed to make repetition of the Materiall points, according as occasion did minister vnto me for to make application thereof, for the better vnderstanding of the Iudicious Reader, which is the maine Scope that all Writers are to regard and care for. The meanes whereby the differences and controuersies happening betweene Merchants in the course of Trade are ended, is also declared, which most of all require Breuitie and Expedition, and had need of a peremptorie proceeding, as was inuented for the* Common Law *of the Realme of England, the due commendation whereof is added heereunto; shewing also how of the same there might bee made an* Art or Science, *and what obseruation of other Lawes are concurring with ours, both in the strictnesse of Law, and the lenitie of Equitie, most consonant with the* Law-Merchant, *the knowledge whereof is of so great consequence, that without it all Temporall Lawes are not compleat, but imperfect. The Scope of all therefore is, That the Rule of* Equalitie *and* Equitie *may take place betweene Vs and other Nations, which* Velut Ariadnæ cæca regens filo vestigia, non modo nos errare

non

non sinit, sed etiam efficit, vt aberrantes in rectam viam deducamur, *as hath beene mentioned in our last Treatise of the maintenance of free trade, lately published. Concluding (gentle Reader) vpon all the premisses handled (as I hope) substantially, I commend and submit the same to the louing entertainement of the profound and discerning iudgement of the discreet, wise, and experienced; wishing that (like matter set downe by the Penne of* Apollo) *they may sound sweetly in your apprehention, and giue to your conceit most harmonious Musicke, Pleasure and Delight. London the 25 of November* 1622.

Thine to vse alwaies readie,

GERARD MALYNES.

# A TABLE OF THE CONtents of the first part of *Lex Mercatoria, or the ancient* Law-Merchant, *concerning* Commodities, compared to the Bodie of Trafficke.


Chapter. Pag.

1 *AN induction to* Lex Mercatoria, *or the Law-Merchant, and the antiquitie thereof.* 1

2 *An obseruation concerning Time.* 8

3 *Of Number, and the mysteries thereof.* 17

4 *Of Weights and Measures vsed in all places of the world, with other obseruations.* 19

5 *Of the three essentiall parts of trafficke, namely Commodities, Money, and Exchange of money by bills of Exchanges.* 58

6 *A geometricall description of the world, especially of Europe, measured by millions of acres of ground vpon the map.* 66

7 *Of the Commodities of all Countreyes, whereby commerce is maintained.* 70

8 *Of Commutation or bartring of commodities.* 83

9 *Of ordinarie buyings and sellings of Commodities.* 91

10 *Of Suretiship and Merchants Promises.* 93

11 *Of the reuolution of buying and selling of Commodities in the course of Trafficke.* 95

12 *Of the transferring and setting ouer of Billes obligatorie betweene Merchants and others.* 98

13 *Of the Nature of Billes obligatorie beyond the Seas, and in England.* 101

14 *Of Letters of Credit, and Blankes signed.* 104

15 *Of Letters of Atturney, or Procurations and Transports, and Conueyances.* 106

16 *Of Factors and seruants, and Commissions giuen vnto them.* 111

17 *Of the beginning of Sea Lawes.* 119

18 *Of the manner of proceeding in Sea-faring Causes.* 121

19 *Of buying and selling of Commodities by Contracts.* 122

20 *Of Bankes and Bankers.* 131

21 *Of the Fraighting of Ships, Charterparties, and Billes of Lading.* 134

22 *Of the Master of the Ship, his power, and dutie of the Master to the Merchant.* 142

23 *Of*

| Chapter. | | Pag. |
|---|---|---|
| 23 | *Of the dueties and priuiledges of Mariners.* | 144 |
| 24 | *Of the office of Assurances, and the ancient custome of the same.* | 146 |
| 25 | *Of Pollicies of Assurances, and the substance of them, and of contributions.* | 150 |
| 26 | *Of the manner of Contribution, or Aueridges.* | 157 |
| 27 | *Of the particulars to be obserued in Assurances.* | 159 |
| 28 | *Of the manner of proceeding for Assurances in case of losses.* | 161 |
| 29 | *Of Shipwrecke, and things found vpon the seas.* | 167 |
| 30 | *Of partners, and ships voyages.* | 169 |
| 31 | *Of moneys taken vpon bottomarie, by the Master of a Ship, called* Fœnus Nauticum. | 171 |
| 32 | *Of Shipping and Nauigation.* | 173 |
| 33 | *An Abridgement of the imperiall Sea Lawes of the Haunce Townes made in the yeare* 1614. | 175 |
| 34 | *Of Nauigation, and Communitie of the seas.* | 182 |
| 35 | *Of the distinct Dominions of the seas.* | 185 |
| 36 | *Of Customes, Subsidies, and Impositions paied vpon commodities.* | 193 |
| 37 | *Of Merchants Wagers, Stipulations, or Conuentions.* | 197 |
| 38 | *Of Merchants markes set vpon commodities.* | 199 |
| 39 | *Of the buying and selling of commodities by Brokers, and by the Candle.* | 201 |
| 40 | *Of buying of Commodities by Condition, termed* Capiticus, *and selling things vpon casualties.* | 203 |
| 41 | *Of diuiding of commodities by Lots.* | 205 |
| 42 | *Of Assotiations, Monopolies, Engrossings, and Forestallings.* | 210 |
| 43 | *Of Merchants Oppignorations.* | 218 |
| 44 | *Of the proceedings vsed against Bankrupts.* | 221 |
| 45 | *Of Manufactures.* | 229 |
| 46 | *Of plantation of people, and new discoueries.* | 234 |
| 47 | *Of the fishing trade.* | 241 |


## *The Contents of the second part of* Lex Mercatoria, *concerning Moneys compared to the Soule of Trafficke.*


| | | |
|---|---|---|
| 1 | OF *the essence or existence of Mettalls.* | 255 |
| 2 | *Of Mines Royall.* | 259 |
| 3 | *Of mines and mineralls.* | 268 |
| 4 | *Of the profitable working of mines.* | 272 |
| 5 | *Of the nature of gold, siluer, and copper, and of the moneys made thereof.* | 274 |
| 6 | *Of the officers of mints.* | 279 |
| 7 | *Of the assaies of bullion and moneys.* | 284 |
| 8 | *Of the weight and fineneſſe of moneys, and their seuerall standards.* | 291 |
| 9 | *Of the valuation of moneys, and the proportion betweene gold and siluer.* | 307 |

| Chapter. | | Pag. |
|---|---|---|
| 10 | *Of the lawes and prohibitions against vsurie.* | 325 |
| 11 | *Of vsurie politicke, and moneys deliuered at interest.* | 329 |
| 12 | *Of intollerable Vsurie, and Lombards.* | 337 |
| 13 | *Of* Mons pietatis, *or Bankes of charitie.* | 341 |
| 14 | *Of the true calculation of moneys at interest.* | 345 |
| 15 | *Of vsurious Contracts.* | 349 |
| 16 | *Of lawfull Bargaines and Contracts.* | 352 |
| 17 | *Of the vniuersall and perpetuall princely contract of commerce.* | 354 |
| 18 | *Of moneys deliuered vpon liues, annuities, and pensions.* | 358 |
| 19 | *Of the denomination and diuision of moneys of diuers countries.* | 360 |
| 20 | *Of Merchants accounts kept by Debitor and Creditor.* | 362 |


## The contents of the third part of *Lex Mercatoria*, concerning Exchanges for Moneys by Bills of Exchanges, compared to the spirit or facultie of the Soule of Trafficke.


| | | |
|---|---|---|
| 1 | OF *the beginning of the Exchange for moneys by bills of Exchanges.* | 378 |
| 2 | *Of the true calculation of moneys in exchange by bills, according to* par pro pari. | 382 |
| 3 | *Of the denomination of the imaginarie moneys of all places, whereupon Exchanges are made by bills of Exchanges.* | 386 |
| 4 | *Of the times of paiment of moneys by exchange, and the termes of art vsed therein.* | 391 |
| 5 | *Of the nature of bills of Exchanges.* | 393 |
| 6 | *Of the non-acceptation of bills of Exchanges, and the customes obserued concerning the same.* | 398 |
| 7 | *Of Notaries, Intimations, and Protests.* | 401 |
| 8 | *Of reciprocall or double Exchanges.* | 404 |
| 9 | *Of the feates of bankers performed by Exchanges.* | 408 |
| 10 | *Of the true reformation of Exchanges.* | 413 |
| 11 | *Of Attachments and Arrests.* | 424 |
| 12 | *Of Sequestrations and Executions.* | 428 |
| 13 | *Of denization and naturalization of Merchants.* | 439 |
| 14 | *Of the determination of sea-faring causes.* | 443 |
| 15 | *Of Arbitrators, and their awards.* | 447 |
| 16 | *Of the Merchants courts, or office of Prior and Consulls.* | 451 |
| 17 | *Of the Lawes of seuerall countries, whereby the differences and controuersies of Merchants are determined.* | 460 |
| 18 | *Three Paradoxes alluding to the three essentiall parts of trafficke.* | 477 |
| 19 | *The due commendation of naturall Mother Wit.* | 491 |
| 20 | *Of the ancient gouernment of the Staple.* | 495 |
| | *A conclusion to the iuditious Reader.* | 499 |


An

# AN INDVCTION TO LEX MERCATORIA, OR THE LAW MERCHANT, AND THE ANTIQVITIE THEREOF.

## CHAP. I.

WHen Almightie God had created man, good and a ſociable creature, who could not ſo well liue alone, as other creatures ſufficiently prouided (by nature) for their ſuſtenance; and had reaſon aſſigned and giuen vnto him, aboue all the ſaid creatures: yet all the meanes and faculties of his bodie and ſoule, were not ſufficient to make him happie whileſt he was alone. But neceſſitie did require a concourſe of men helping one another to ſupplie (with a common ſtrength) the ſaid weakeneſſe; for the burden of the ſaid neceſſitie was ſo weightie and great, that one man alone was not able to manage the ſame. Then it came to paſſe, that by mutuall contribution of offices, euerie man did afford means according to his abilitie for the common good, ſo that thoſe which were of a ſtrong bodie did emploie their labour to get liuing and maintenance for themſelues and others: And thoſe which were endued with the beſt part of the ſoule, as Vnderſtanding and Reaſon, did vndertake the moſt important matters, teaching men how to liue well, and informing them of their felicitie (which they iudged chiefely to conſiſt in vertuous actions) endeauouring to make impreſſion in the ſoule of man, of certaine good lawes for the obſeruation thereof, with a reference of them to the firſt law engraffed in the ſoule of man, as a part of that diuine light, which was infuſed in him to know (in ſome meaſure of perfection) the good and euill, and accordingly to receiue reward or puniſhment. Called by the Grecians *Synderiſi.*

As for the other and better part of informing and guiding the thoughts and affections of men to a ſupernaturall end, that, as ſurpaſſing the compaſſe of that lower ſpheare wherein I now moue, muſt be left vntouched by me, who here take for my obiect not the ſpiri-

| Chapter. | | Pag. |
|---|---|---|
| 10 | *Of the lawes and prohibitions against vsurie.* | 325 |
| 11 | *Of vsurie politicke, and moneys deliuered at interest.* | 329 |
| 12 | *Of intollerable Vsurie, and Lombards.* | 337 |
| 13 | *Of* Mons pietatis, *or Bankes of charitie.* | 341 |
| 14 | *Of the true calculation of moneys at interest.* | 345 |
| 15 | *Of vsurious Contracts.* | 349 |
| 16 | *Of lawfull Bargaines and Contracts.* | 352 |
| 17 | *Of the vniuersall and perpetuall princely contract of commerce.* | 354 |
| 18 | *Of moneys deliuered vpon liues, annuities, and pensions.* | 358 |
| 19 | *Of the denomination and diuision of moneys of diuers countries.* | 360 |
| 20 | *Of Merchants accounts kept by Debitor and Creditor.* | 362 |


## The contents of the third part of *Lex Mercatoria*, concerning Exchanges for Moneys by Bills of Exchanges, compared to the spirit or facultie of the Soule of Trafficke.


| | | |
|---|---|---|
| 1 | OF *the beginning of the Exchange for moneys by bills of Exchanges.* | 378 |
| 2 | *Of the true calculation of moneys in exchange by bills, according to* par pro pari. | 382 |
| 3 | *Of the denomination of the imaginarie moneys of all places, whereupon Exchanges are made by bills of Exchanges.* | 386 |
| 4 | *Of the times of paiment of moneys by exchange, and the termes of art vsed therein.* | 391 |
| 5 | *Of the nature of bills of Exchanges.* | 393 |
| 6 | *Of the non-acceptation of bills of Exchanges, and the customes obserued concerning the same.* | 398 |
| 7 | *Of Notaries, Intimations, and Protests.* | 401 |
| 8 | *Of reciprocall or double Exchanges.* | 404 |
| 9 | *Of the feates of bankers performed by Exchanges.* | 408 |
| 10 | *Of the true reformation of Exchanges.* | 413 |
| 11 | *Of Attachments and Arrests.* | 424 |
| 12 | *Of Sequestrations and Executions.* | 428 |
| 13 | *Of denization and naturalization of Merchants.* | 439 |
| 14 | *Of the determination of sea-faring causes.* | 443 |
| 15 | *Of Arbitrators, and their awards.* | 447 |
| 16 | *Of the Merchants courts, or office of Prior and Consulls.* | 451 |
| 17 | *Of the Lawes of seuerall countries, whereby the differences and controuersies of Merchants are determined.* | 460 |
| 18 | *Three Paradoxes alluding to the three essentiall parts of trafficke.* | 477 |
| 19 | *The due commendation of naturall Mother Wit.* | 491 |
| 20 | *Of the ancient gouernment of the Staple.* | 495 |
| | *A conclusion to the iuditious Reader.* | 499 |


An

# AN INDVCTION TO LEX MERCATORIA, OR THE LAW MERCHANT, AND THE ANTIQVITIE THEREOF.

## CHAP. I.

WHen Almightie God had created man, good and a ſociable creature, who could not ſo well liue alone, as other creatures ſufficiently prouided (by nature) for their ſuſtenance; and had reaſon aſſigned and giuen vnto him, aboue all the ſaid creatures: yet all the meanes and faculties of his bodie and ſoule, were not ſufficient to make him happie whileſt he was alone. But neceſſitie did require a concourſe of men helping one another to ſupplie (with a common ſtrength) the ſaid weakeneſſe; for the burden of the ſaid neceſſitie was ſo weightie and great, that one man alone was not able to manage the ſame. Then it came to paſſe, that by mutuall contribution of offices, euerie man did afford means according to his abilitie for the common good, ſo that thoſe which were of a ſtrong bodie did emploie their labour to get liuing and maintenance for themſelues and others: And thoſe which were endued with the beſt part of the ſoule, as Vnderſtanding and Reaſon, did vndertake the moſt important matters, teaching men how to liue well, and informing them of their felicitie (which they iudged chiefely to conſiſt in vertuous actions) endeauouring to make impreſſion in the ſoule of man, of certaine good lawes for the obſeruation thereof, with a reference of them to the firſt law engraffed in the ſoule of man, as a part of that diuine light, which was infuſed in him to know (in ſome meaſure of perfection) the good and euill, and accordingly to receiue reward or puniſhment.

Called by the Grecians *Synderiſit.*

As for the other and better part of informing and guiding the thoughts and affections of men to a ſupernaturall end, that, as ſurpaſſing the compaſſe of that lower ſpheare wherein I now moue, muſt be left vntouched by me, who here take for my obiect not the ſpiri-

tuall but the ciuill life of man and the meanes thereto conducing.

Touching therefore the externall part. The mutuall contributi-on of offices amongſt men hath from the beginning continued both in labouring and manuring the naturall riches of the lands in corne and paſturage, as in the immediate children of our firſt father *Adam*, and in planting Vines, and making an extract of the iuyce of the fruit of them, as *Noah*. Which riches in matter and foundation naturall, and partly alſo in alteration and managing artificially, euery poſſeſſor not long after the beginning of the world ſeuerally inioyed in pro-pertie: and hence did proceed a commerce, firſt, in reall enterchange and communication of things of the ſame or other kinds, but all na-turall commodities, as ſheepe for ſheepe, ſheepe for corne, wine for oyle, &c. betweene man and man, or nations and nations, according to number, weight, and meaſure, and after, to auoid confuſion, by *a commune pignus* currant mutuall, which we call money, both by way of merchandizing; the moſt ancient euidence hereof is *Abrahams* purchaſing for money a field for buriall. The obſeruation and cu-ſtomes whereof, was the beginning of the Law-Merchant, and that eſpecially when mankind was propagated into an infinite number, and the domeſtiques or neere hand commodities were not ſufficient for their ſuſtenance in ſome countries, and in other countries were o-uer aboundant: Then of neceſſitie followed the vſe of truſting, ex-changing, and trading; firſt, on the Land in the maine Continent, and then extenſiuely vpon the Seas, both for fiſhing and negotiation. Then did merchants trauell from countrey to countrey: So in the dayes of the Patriarke *Iacob*, did the merchants Madianits in their iourney meete with the children of *Iacob*, and then *Ioſeph* was carried by their meanes into *Egypt*, and ſold to *Potipher* for the good of his fa-ther and all his family. And then it was and proued to be true, (which experience hath confirmed) that *Vita ciculis in ſocietate poſita eſt, ſocie-tas autem in imperio & commercio*: So that it plainely appeareth, that the Law Merchant, may well be as ancient as any humane Law, and more ancient than any written Law. The very morall Law it ſelfe, as written by *Moſes*, was long after the cuſtomary Law of Merchants, which hath ſo continued and beene daily augmented ſucceſſiuely vp-on new occaſions, and was not altogether made in the firſt foundati-on, as the Lawes whereby the Common-weales of Iſrael (whoſe Lawes were vniformely made by *Moſes* from God:) or thoſe of Crete, Cybaris, Sparta, & Carthage, by *Minos, Charondas, Lycurgus*, and *Phaleas*. Neuertheleſſe, many Emperours and Kings haue alwaies re-ferred the ending of differences, which happen betweene Merchants, to be done & decided according to the Law-Merchant, That is to ſay, according to the Cuſtome of Merchants; who by their trauels found the diuerſitie of weights and meaſures, and the goodneſſe and vſe of commodities pleaſing to all nations, whereby the ſuperfluities of them were vented amongſt them. *Vt quod vſpiam naſcitur boni, id apud omnes affluat.*

*Gen.*

*Gen 37. 27.*

**The Law-merchant a moſt antient law.**

This

This Law of Merchants, or *Lex Mercatoria*, in the fundamentals of it, is nothing elſe but (as *Cicero* defineth true and iuſt Law) *Recta Ratio, naturæ congruens, diffuſa in omnes, Conſtans ſempiterna:* True Law is right Reaſon, agreeable to Nature in all points, diffuſed and ſpread in all Nations, conſiſting perpetually without abrogation: howbeit ſome doe attribute this definition vnto *ius gentium*, or the Law of Nations, which conſiſteth of Cuſtomes, Manners, and preſcriptions of all Nations, being of like conditions to all people, and obſerued by them as a law: But the matter being truely examined, we ſhall find it more naturally and properly belongeth to the Law-merchant.

Definition of the Law-merchant. *De repub.*

*Ius gentium.*

Euery man knoweth, that for Manners and Preſcriptions, there is great diuerſitie amongſt all Nations: but for the Cuſtomes obſerued in the courſe of trafficke and commerce, there is that ſympathy, concordance, and agreement, which may bee ſaid to bee of like condition to all people, diffuſed and ſpread by right reaſon, and inſtinct of nature conſiſting perpetually. And theſe Cuſtomes are properly thoſe obſeruations which Merchants maintaine betweene themſelues, and if theſe bee ſeparated from the Law of Nations, The remainder of the ſaid Law will conſiſt but of few points.

Princes and Potentates by their prerogatiues (reſpecting the law of Nations) doe permit amongſt themſelues a free trauelling by land through their ſeuerall Kingdomes, Territories, and Dominions, vnleſſe they bee open enemies: They hold likewiſe a communitie of the ſeas for Nauigation, as alſo a diſtinct dominion of the ſeas adioyning to the territories and iuriſdiction of their countries, they take Cuſtome, Subſidies, and all manner of impoſitions vpon the commodities imported and exported out of their Harbours, Hauens, and Ports, as alſo duties for the fiſhing in their Seas, Streames, and Dominions; of all which the Merchant is to take eſpeciall notice, to auoid danger in the trafficke and trade with their ſubiects, for non-payment of the ſame, which they claime *iure gentium.*

Prerogatiues of Princes by the law of Nations.

Are not the Sea Lawes eſtabliſted to decide the controuerſies and differences happening betweene Merchants and Marriners? And is it not conuenient for Merchants to know them? Conſidering that Merchants maintaine the Fiſher-men, and (by way of Trade) cauſe the Sea and Land Commodities to bee diſperſed euerie where? So that the ſaid prerogaties doe alſo appertaine to the Law-merchant as properly inherent vnto commerce, and the obſeruation of Merchants being of like condition to all people and nations.

Concerning manners and preſcriptions, wherein the differences is to be noted from the Law-Merchant; the ſame conſiſt in the erecting of Offices, creating of Officers, and making of Lawes, which of themſelues make a ſeparation betweene Cuſtomes: Alſo the giuing or beſtowing of honours and dignities, the granting of priuiledges, and the doing of any thing which concerneth the Honor, Body, and

Manners and preſcriptions of the law of Nations.

goods of any man, whereunto all things touching man haue a reference, and doe meerely belong to the preheminence of Princes in their places of Soueraignetie.

And herein let vs obserue the difference betweene Lawes and Customes according to the description of the said worthy author *Cicero.*

Difference betweene Lawes and Customes

A Custome (saith hee) taketh hir strength by little and little in progresse of Time by a generall Consent, or, of the most part; But the Law commeth forth in a moment, and taketh her strength from him that hath power to command: Customes doe take place gently; but the Law commandeth with a power suddenly. True it is, that the Law may abolish Customes, but Customes cannot derogate from the Law, because Magistrates will see them executed at all times. Customes haue their strength by sufferance; but the Law commandeth by absolute authoritie of a Prince. And yet Customes are of no lesse power than a Law, and the difference consisteth most in the manner. *Lex est cui omnes homines decet obedire propter multa & varia, & maxime quia omnis lex est inuentio quædam & donum Dei.* All men ought to obey the Lawes, which are many and diuers, and chiefly because all Lawes are (as is it were) an inuention and a gift of God. So much, yea more may bee said of the Custome of Merchants, because of their continuance and Antiquitie, as aforesaid.

The Prerogatiue of Merchants Customes aboue all other Customes.

And for that the said customarie Law of Merchants, hath a peculiar prerogatiue aboue all other Customes, for that the same is obserued in all places, whereas the Customes of one place, doe not extend in other places, and sometimes they are obserued, and sometimes they are neglected. But the Customes of Merchants concerning trafficke and commerce, are permanent and constant, and when they are not truely obserued in some places, by some errour or misprision: *Non est consuetudo, sed vsurpatio*; For such Customes loose their names, and are called Vsurpation, which is the cause that many times Customes are established for Lawes by him or them that haue power to make Lawes. And Customes are the best Interpreters of the Lawes, either for suppressing of vice, or establishiug of Vertue: So that whosoeuer alleadgeth a Custome in his defence, is to prooue and maintaine the same, if it bee honest. Now wee must not vnderstand this of any euill Custome, because they make no presidents, and are to bee supressed by Lawes. Likewise a Custome well obserued, is to bee preferred before a Law not obserued. And this Gradation ought to be maintained and seriously obserued concerning Lawes and Customes, That euen as the Wills, Contracts, or Testaments of particular men, cannot derogate or vndoe the Ordinances of the Magistrates, and as the order of the Magistrates cannot abolish ancient good Customes nor Customes cannot abridge the generall Lawes of an absolute Prince, no more can the Law of Princes alter or change the Law of God and Nature.

Customes are the best interpreters of Lawes.

A Gradation concerning Lawes and Customes.

*Bartolus,*

*Bartolus, Baldus, Iustinian, Vlpian, Paule the Iuriſconſulte, Papinian, Benvenuto Straccha, Petrus Santerne, Ioannes Inder, Balduinus de Vbald, Rodericus Suarez, Iaſon, Angell, Andrias Tiraquell, Alciatus Budeus, Alexander Peruſius, Pomponius, Incolaus Boertius, Azo, Celſus, Rufinus, Manſilius, Sillimanus, Accurſius, Franciſcus Aretinus, Griſogonus, Lotharius, Iulianus*, and diuers other doctors and learned of the ciuile Law, haue made many long diſcourſes and volumes of bookes of the queſtionable matters fallne out amongſt Merchants, for and concerning merchandiſe, which are yearely obſeruations or booke caſes and precedents; by the reading whereof, Merchants are like rather to metamorphiſe their profeſſion and become lawyers, than truely to attaine to the particuler knowledge of the ſaid Cuſtomes or Law-merchant: For they haue armed queſtions and diſputations full of quillets and diſtinctions ouer-curious and preciſe, and many of them to ſmall purpoſe, full of *Apicis iuris*, which themſelues haue noted to bee ſubtilties, ſaying, *Apicis iuris ſunt quæ ſubtilitatem quandam reſpiciunt magis quam facti veritatem*, They doe more regard certaine ſubtilties than the trueth of the fact or matter, As for example. To define

Booke caſes of the Law-Merchant.

*Apicis iuris* what they are.

*Quid ſit Mercator*, what a Merchant is? *Quidue Mercatura*, what Merchandiſing is?

Whether he is a Merchant that doth once buy and ſell?

Whether merchandiſing and negotiating be one and the ſame?

Whether an vſurer be a Merchant?

Whether ſelling by retaile ſhall be called merchandiſing?

Whether a Clergie man or a Gentleman dealing in buying and ſelling, ſhall be called a Merchant in any controuerſie?

Wherein a Merchant may be like an vſurer?

Whether a man buying commodities in groſſe, and working the ſame out againe into other things to be vented by an ordinarie courſe of trafficke, be a Merchant, artificer, or trades-man?

Whether a ſeller of horſes may be called a Merchant?

Whether a ſhop-keeper trading beyond the ſeas and at home, be a Merchant?

Whether a Merchant ſhall be called to be a Merchant of one kind of commodities, that dealeth for diuers ſorts of merchandiſes or wares?

Whether he bee a Merchant that dealeth not for himſelfe: but others negotiate for him? Or whether a young man dwelling with a Merchant, may be a Merchant? And other the like queſtions which I hold to be vnneceſſarie to trouble Merchants braines withall.

The definition of a Merchant is to be noted. For he that continually dealeth in buying and ſelling of commodities, or by way of permutation of wares both at home and abroad in forreine parts, is a Merchant.

Definition of a merchant.

Next in order, the conditions and properties which a merchant ought to haue, are to be conſidered; namely to be without fraud and

*Conditio numeri potioris, non maioris.*

deceit in his buying and ſelling of commodities, and to keepe faith with all men.

Hereupon queſtions are made, whether a merchant may trafficke with Turkes, Heathens, Barbarians, and Infidels, and performe promiſe with them? whether a merchant may ſell his commodities as deere as he can, without reſpect of perſons? whether he may vſe lyes (as being officious) in the ſelling of commodities? whether he may be craftie without deceit? whether learning bee requiſite in a merchant? whether he may deale in prohibited commodities at his apperill? whether a merchant buying commodities, and ſelling them better cheape than they coſt him, ſhall be held in ſuſpition to be neere decaying? and the like of him that taketh vp much mony at intereſt.

*Caueat emptor.*

The ſaid Ciuilians haue alſo determined how long a merchant is to be ſo called; which is either when he breaketh, or giueth ouer to deale in merchandiſe; or when he is prohibited to deale, for offences committed. And hereunto they adde a declaration of ſuch as may trade; and by the contrarie thereof, is to bee vnderſtood who may not trade, *viz.* Clergie men, Noblemen, Gentlemen, Souldiors, Counſellors at the laws both Eccleſiaſticall and Temporall, publicke officers and magiſtrates, franticke perſons and mad men, youthes vnder yeares, orphanes, lunatickes and fooles, all theſe are exempted to be merchants: But ſonnes and ſeruants may deale in merchandiſe with their fathers and maſters.

The continuance of a merchant.

Perſons exempted to bee merchants.

Laſtly, they haue obſerued, That merchandiſe is properly to bee made of all moueable things, excepting holie things, and prohibited wares, or munition to bee carried vnto infidels or enemies. All which determinations can giue but little ſatisfaction to inſtruct merchants.

What merchandiſe is fit for trade.

*Plato* ſaieth, That merchandiſe is two fold, namely, *ad victum & veſtitum*, of things for the backe and for the bellie, as belonging to the bodie of man; and of things concerning the mind of man, as learning of muſicke, and other arts bought for money, and ſold againe to others for money; and this diſtinction is in regard of man, but farre from that matter of trafficke and commerce which is comprehended vnder Commutatiue iuſtice, whereof *Cicero* ſpeaketh.

Merchandiſe two fold.

Let vs therefore ſet downe, what a compleate merchant ought to know concerning the courſe of merchandiſing, and withall declare the methode obſerued in this booke of the Law of Merchants.

The methode of this booke.

1. A merchant ought firſt to know the ſcience of Arithmeticke, and to obſerue the daies and times in all his negotiations, and the beginnings of the yeare in all countries, and to calculate all things orderly.

2. The ſeuerall weights and meaſures of all countries concerning all commodities, and the correſpondence of them, that there may be to him in effect but *vnum pondus, & vna menſura*, that is, one weight, and one meaſure.

3 The

3. The ſcience of Geometry, and ſome inſpection of Coſmography, and the Mathematickes, thereby to know the ſcituation of countries, with their diſtance and ſpaciouſneſſe: and the diſtinct dominions of Princes by land and by ſea, with their iuriſdiction and duties for fiſhing and otherwiſe.

4. To know the three Eſſential parts of traffick, being *Commodities*, *Money*, and *Exchange for money by Billes* of exchanges; vnder which all the traffique and trade is performed in all countries, or by ſome of them, becauſe they are the cauſes of commerce, whereof the effects are buying and ſelling of commodities, receiuing and paying of monyes, and deliuering and taking of monyes by exchange, with their Adiuncts and Accidents in the ſaid courſe of traffique.

5. To know alſo the goodneſſe of the principall commodities of all countries, either ſuperficially for colour and beautie; or ſubſtantially for qualitie and vſe. As alſo the weight, fineneſſe, and valuation of the moneyes of all countries, with the proportion betweene the gold and ſiluer, and the manner of exchanges made by billes vpon the imaginary moneyes inuented to make exchanges betweene countrey and countrey.

6. The cuſtomes vſed in the buying and ſelling of commodities for money or billes obligatorie, or by way of Commutation or Barter.

7. The deliuering of moneyes at intereſt, or vpon Botomary, or vpon liues, annuities, or penſions in nature of rent, &c.

8. The fraighting and ſetting forth of Ships, making of Charter-parties, Billes of lading, Invoice, and Couenants and contracts. As alſo the ſea lawes, to decide all queſtions and controuerſies which fall out betweene Merchants and Marriners, and owners of Ships.

9. The cuſtomes, ſubſidies, impoſitions, tribute, and tolles payed vpon all the commodities imported and exported, within the dominions of all Princes.

10. The manner of making of Aſſurances vpon goods, ſhips, the perſons of men, or any other things aduentured by ſea or by land; and the cuſtomes obſerued therein betweene nation and nations.

11. The keeping of Merchants accounts, by Debitor and Creditor, and the calculation of the diuerſities of money, whereby the ſaid bookes of account are kept.

12. The authoritie and proceedings of Merchants Courts, or Priors and Conſuls, to decide their differences according to equitie in places where they are kept, or any other lawes imperiall or common to ſome countries, whereby Merchants controuerſies are determined; with the courſe of attachments and ſequeſtrations, or executions and finall determinations by arbitrators, or iudiciall decrees in any Chauncery or Court of Equitie.

All theſe (making the cuſtomarie law of Merchants) haue neuer beene written by any Ciuilian or Phyloſopher, nor for ought I know, of any author, as is conuenient for Merchants; whereupon I haue (with

The cuſtomary Law of Merchants.

(with Gods assistance) resolued to handle the same compendiously and substantially in this booke, vpon fiftie yeeres obseruation, knowledge, and experience. And albeit that the sea lawes are comprehended therein, whereby the proceedings might seem to be promiscuously handled, neuertheless the method is followed as neere as the matter could affoord, according to the said three Essentiall parts of trafficke, or the three Simples of commodities: Money, and the Exchange of money by Bills of exchanges, as hereafter may appeare.

Generall Entrie of merchants.

And this Law of Merchants hitherto obserued in all countries, ought in regard of commerce, to be esteemed and held in reputation as the Law of twelue Tables was amongst the Romanes. For herein you shall find euery thing built vpon the foundations of Reason and Iustice: and knowing the foresaid twelue points, you shall be able to please your owne minde, and giue satisfaction of your sufficiencie to others. For the saying is true, *Melius est Ciuitatem, ab optima lege, quam ab optimo viro gubernari*, It is better to gouerne a Citie by a good Law, than by a good man. And it is better for a man to be ruled by Reason, than by his owne Reason to seeke to rule others.

Finally, to giue satisfaction to the learned and judicious, I haue abstracted the obseruations of the learned in the Ciuile Lawes, vpon all the precedent points, and added them vnto the following Chapters, distinctly from the Customes of Merchants; vsing the ordinary name of Ciuilians in generall, without naming any particular Author, to auoid ambiguitie and vncertaintie in the Contents of this Booke, diuided into three parts, according to the said three Essentiall parts of Trafficke.

## Chap. II.

### *An obseruation concerning* Time.

ALL men of iudgement and vnderstanding doe know, that there is nothing more necessary for the knowledge of Histories, and diuers estates of the world, than the obseruation of Times, without which, great obscuritie and errors will be found in the Actions of men, aswell in matters of Religion, as in ciuile gouernment, where Merchants (in regard of their Trafficke and Commerce) haue the managing and disposing of the wealth of Kingdomes and Commonweales: So that it behoueth them, to obserue the yeeres, moneths, weekes,

weekes, and dayes, and (ſometimes) the houres of their negotiation, with the courſe of the Moone, and the ebbing and flowing of waters, the variation of windes, and alterations of weathers, for ſtormes at the ſeas, and vnſeaſonable Times on land, whereby the harueſts doe faile, and commodities become to be plentifull or ſcarce, and the prices thereof deere or good cheape: with many other conſiderations incident in the courſe of buying and ſelling of commodities, and in receiuing and paying of moneys. Merchants are to obſerue Time.

To make a definition of Time, will (in one reſpect) be verie difficult, if we conſider, that Time is inſeperably conioyned with Eternitie: But if we obſerue the attribute of Time, and doe diſtinguiſh things orderly, we ſhall eaſily perceiue what Time is, and make vſe thereof.

The attributes of Time.

Time is the conſumer of all things, *Tempus edax rerum.*

Time is the diſcouerer of all things, *Veritas filia Temporis.*

Time is vncertaine and wanteth bounds, *Tempora mutantur &c.*

Times minutes paſt, no treaſure can reſtore, *Irrevocabile Tempus.*

Time doth pierce the hardeſt flint, *Gutta cavat lapidem, non vi ſed ſepe cadendo.*

Time hath a ſalue for all extremities, and yet begetteth vſurie.

Times office is to end the hate of foes.

Times glorie is to calme contending kings.

Time is a tutor both to good and bad, and doth diſcouer the affections of the mind.

Time offers ſtill each houre to do amiſſe.

Time breedeth griefe, and heales when Art doth faile.

By Time and Wiſdome paſſions are ſuppreſt.

In Time ſmall wedges cleaue the hardeſt oakes.

Time is the Anchor both of Trueth and Right.

Time hath ſet downe the compaſſe of his courſe.

Times motions do equall the reeling Sunne.

Time meaſureth our actions.

Time is the beſt gouernour of all our councells.

Time on the wearieſt wretch beſtoweth reſt.

Both Life and Loue in Time muſt haue an end.

Many more attributes may be beſtowed vpon Time. But we ſhall find vpon due conſideration, that Time is but a diſtinction and meaſure of all things, and betweene all things.

Concerning the reuolution of Time, let vs obſerue, That euen as God the Author and Conſeruer of all things in a comely and decent order, hath appointed a ſucceſſion and progreſſe of Time, for accompliſhment of the naturall courſe thereof: So hath he appointed certaine Periods and Reuolutions of Time, wherein things returne to the ſame, or like eſtate wherein they were before. As we ſee in the motions of the Heauens, and conſequently in the ſeaſons of the yere, all which are meaſured by Time. The Sunne, the Moone, and the Starres, to haue their particular and diſtinct reuolutions, wherein they The reuolution of Time.

they accompliſh their courſes, and returne after a limitted and determinate ſpace of Time to the places from which they did depart.

The Sunne compleating his courſe and Reuolution in 365 daies, and almoſt ſixe houres, or a quarter of a day, as ſhalbe declared, which is that ſpace of Time, which wee call the yeare, termed *Annus, qui Annulus*, taking the ſimilitude from a Ring; which cauſed the Egyptions to make the figure thereof in their Hierogliphicks like vnto a ſerpent byting his owne taile.

*Annus quaſi Annulus.*

The Moone by her Reuolution in the Sphere in 28 daies, or thereabouts, determinates vnto vs the moneths, as the Sunne doth the daies and houres.

*Saturnus* the Planet maketh her Reuolution in 30 yeares. *Iupiter* in 12. yeares, *Mars* in two years, and *Venus* and *Mercurie* in 360 daies, or thereabouts. The fixed ſtarres haue alſo their peculiar Motions and Reuolutions: The knowledge of all which, is both pleaſing and neceſſarie vnto judicious Merchants.

And becauſe Time is ſubiect to be numbered by Ages, Yeares, Moneths, Daies, Houres, Minutes, and their diuiſions and ſubdiuiſions, wee cannot in this place omit to particulariſe concerning the ſame; albeit it may be thought inconuenient to touch the obſeruation of the period of Monarchies and Common-weales, made by ſome Authors, which (by many important reaſons) may be amplified.

Periods of Monarchies & Common-weales.

Some diſtribute the whole ages of the world into three parts, aſcribing to euerie age 2000 yeares, which proceedeth from that common opinion of *Elias* a certaine Rabbin or Iew, affirming that the world ſhould ſtand 6000 yeares, and then be diſolued; of the which they reckon 2000 yeares, before the Law, 2000 yeares, vnder the Law, and 2000 yeares, vnder Chriſt, which ſhalbe ſhortned for the elects ſake; which opinion hath beene receuied, by diuers godly fathers, ſuppoſing that as the world and all things therein, was created in ſix daies; So the ſame ſhould endure 6000 yeares, taking each thouſand yeares for a day, according to the ſaying of Saint *Peter*. That one day before the Lord is as a thouſand yeares, and a thouſand yeares as one day. In this ſupputation is ſome reaſon; for from the beginning to *Abraham* with whom the firſt couenant was made, and to whom the law of circumciſion was giuen; wee find to be neere 2000 yeares; and likewiſe vnder the law, vntill Chriſt, about 2000 yeares; and now vnder Chriſt is aboue 1620 yeares, reckoning towards the laſt 2000 yeares.

2. Pet. 3.

Of the ages of the world.

*Auguſtin* writing of theſe ages, diuideth them into ſixe, and reckoneth the firſt age to be from *Adam* to *Noah*; the ſecond, from *Noath* to *Abraham*; the third, from *Abraham* to *Dauid*; the fourth from *Dauid* to the captiuitie of Babylon; the fifth, from the Captiuitie to *Chriſt*; the ſixt and laſt, vnder the kingdome of Chriſt vntill the end of the world. Others there be that doe diſtribute the ſame into foure, according to the nature of foure kinds of mettals, the Golden,

Siluer,

Siluer, Brasse, and Iron Ages: alluding to the Prophecie of *Daniel*, of the foure Monarchies. Others doe account the same by thousands, or millinaries, according to certaine obseruations of 6000 yeares in the alterations of things. Others doe calculate according to the ages of men, supposing 100 yeares for an age; and so now being 56 ages and more, the number 60 or before the end of the world shall come. But, let vs obserue the true computation of the Church most generally approoued hitherto, and reckon from the Creation vntill *Noah*, 1656 yeares when hee entred into the Arke; and from the Flood to *Abraham*, 367 yeares; and from the departing of the Israelites out of *Egypt*, 430 yeares; and from the departing to the building of the Temple by *Salomon*, 430 yeares; and from that time to the eleuenth yeare of King *Zedekiah* (deduced by Scripture) is 427 yeares. So the whole summe of these yeares commeth iustly to 3360 yeares. Hereunto 70 yeares being added of the captiuitie of *Babylon*, is, 3430 yeares, which are 790 Sabbaticall yeares, of seuen yeares euery Sabbaticall yeare, without any odde number; and from that time vntill Christ, there is no momentarie difference by Historicall account, whereof vnderstanding Merchants ought to bee informed, & all men take pleasure of this obseruation in their Almanacks.

Computation of ages by Scripture.

| | Anno Domi 1620. |
|---|---|
| From the Creation of the World, vntill the last yeare——5582. | |
| From the said Creation vntill the Flood——1656. | |
| From the said creation, vntil the Birth of our Sauior Christ-3962. | |
| Since *Brute* did enter the Iland of Great Brittaine——2727. | |
| Since the building of the Temple by *Salomon*——2649. | |
| Since the building of the Citie of Rome——2371. | |
| Since the captiuity of Babylon——2258. | |
| Since *Iulius Cæsar* was slaine——1669. | |
| Since the Birth of our Sauiour Christ, vntill the last yeare—1620. | |
| Since the Conquest of England, by Duke *William*——553. | |

Since the beginning of the raigne of King *Iames*, the first of that name of England, vntill the 24 of March 1620, is 17 yeares compleate, but currant——18.

Of the seueral beginnings of the yeare.

Concerning the yeare, there are many obseruations, and euen of the seuerall beginnings of it. And let vs note *Obiter* that the bodie (the soule of man consisting in the bloud) hath 365 veines, as residences agreeable to so many dayes of the yeare.

All our Almanackes or Kalenders beginne the yeare from the first day of Ianuary, albeit this beginning differeth in many other countries, which is conuenient for Merchants to obserue.

The Astrologians begin at the entrance of the Sun in *Arijs*, which is the 21 of March, at 12 of the clocke at noone.

The old Romanes did begin their yeare, *ab Hieberno solstitio.*

The Egyptians and old Iewes, from the 21 of March, with the Astrologians.

Those of Asia and India, *ab aquinoctio Autumnali*; being the 23 of September, at 12 of the clocke at noone.

The

The Grecians of the longeſt day of the yeare. The Venetians of the firſt of March. The Spaniards from the Annuntiation of the Virgin *Marie*, the 25 of March, as England, Scotland, and Ireland. The Portugals and the Eaſt-Indies, Barbarie, *Preſte-Iohn*, the 29. of Auguſt. *Moſes* by Gods commandement, *ab equinoctio verno*, which is Eaſter,

Eaſter day.

according to which, Eaſter day was ordained vpon the full Moone, being the foureteenth day of the firſt Moone, after the Sunne entred into the ſigne of *Aries*, which is alſo vſed in Ægypt. Afterwards in the yeare of our Lord 328, the Councell of Nice did ordaine Eaſter day alwaies to be vpon the Sabbath day, or Sunday next after the full Moone. And the Biſhop of Alexandria made thereupon a liſt, according to the Circle or Golden number of the Moone, beginning from the figure 1, vntill number 19; for that in 19 yeares the Moone maketh her compleate reuolution, & concurreth with the Sun: And if the number did fall out vpon a Sunday, then the Sunday after was Eaſter day, according to this abſtract; which is now altered by ten daies, vpon the alteration of the Kalender by Pope *Gregorie* the 13.

The Liſt appointed for Eaſter day.

| Golden number. | | |
|---|---|---|
| 1. | The 5 of Aprill. | 10. The 27 of March. |
| 2. | The 25 of March. | 11. The 15 of Aprill. |
| 3. | The 13 of Aprill. | 12. The 4 of Aprill. |
| 4. | The 2 of Aprill. | 13. The 24 of March. |
| 5. | The 22 of March. | 14. The 12 of Aprill. |
| 6. | The 10 of Aprill. | 15. The 1 of Aprill. |
| 7. | The 30 of March. | 16. The 21 of March. |
| 8. | The 18 of Aprill. | 17. The 9 of Aprill. |
| 9. | The 7 of Aprill. | 18. The 29 of March. |
| | | 19. The 17 of Aprill. |

Reuolution of the Sunne and Moone.

The yeare being exactly calculated according to the courſe of the Sunne, or Reuolution in the Zodiake through all the twelue Signes, conſiſteth of 365 daies, 5 houres, 49 minutes, and 16 ſeconds. And the reuolution of the Moone in her going courſe is 27 daies and about 8 houres, and in her returning courſe about 29 daies and one halfe, called a moneth. Others haue vſed, and ſome yet do vſe, the yeares of the Moone diuided in 12 moneths, euerie new Moone or courſe reſpected: And this yeare conſiſteth of 354 daies, 8 houres, 48 minutes, 43 ſeconds, and 12 tierces, to which there was added 11 daies called *Epacta*, as adioyned daies; which made the yeare to be 365 daies and about ſix houres, as aforeſaid: which was vſed before the flood, by Iewes, Greekes, and is yet at this day vſed by the Mahometans, Arabians, and thoſe of Feas and Marocco and other places. The Babylonians, Ægyptians, and Aſſyrians, haue alſo obſerued 365 daies for the yeare; But they did not adde euerie fourth yeare one day, which we call the Leape-yeare.

The Epact of 11 daies added *Quere tamen quando inceperint.*

One wholeday added euerie fourth yeare in February.

To make a better explanation hereof, let vs note, That there is a great Circle imagined to bee in the Heauens, called the Ecliptike, where-

wherupon the Sunne hath his continuall motion or period, neuer declining from the ſame: and on each ſide is imagined to be another leſſer Circle limiting the latitude of the Zodiake, the middle whereof is called the Ecliptike, for that whenſoeuer there ſhall be a coniunction or oppoſition of the Sunne and Moone, the Moone being vpon the ſame Ecliptike, ouer which ſhe paſſeth twice in one Period, in ſo many daies as aforeſaid, (which ſecond ſections are called the Head & Taile of the Dragon) then (if at the coniunction) is our ſight eclipſed by the interpoſition of the bodie of the Moone, being (at the ſame inſtant) betwixt vs and the Sunne, thereby hiding ſome part of his light from our ſight: yet hath the Sunne in himſelfe no more loſſe of light, than if a man ſhould put a ball betwixt my eye and the Sunne, whereby he might hide from my ſight, either the totall or part of the bodie of the Sunne. But if it be at the oppoſition, then the Moone doth indeed looſe her totall light, or part of her light, according to her latitude; for if her latitude be more than the Semidiameters of the bodie of the Moone, and the ſhadow of the earth, then there can be no Eclipſe at all. But whenſoeuer the bodie of the earth ſhal be interpoſed or put betwixt the light of the Sunne, and the bodie of the Moone, (which cannot be but a ful Moone or oppoſition, which are both one) then muſt ſhe of neceſſitie loſe ſo much of her borrowed light, as the earth doth take away from her.

The Ecliptike of the Zodiake

Eclipſe of our ſight by the Sunne.

When no Eclipſe of the Moone can be.

Cauſe of the Eclipſe of the Moone.

Within this imagined Circle or Zodiake are twelue conſtellations of Starres, called the 12 Signes; each of theſe Signes is diuided into 30 degrees or equall parts, which make 360 in the totall.

Now ſince the nature and qualitie of theſe twelue Signes were found, and that the Moone being the loweſt of the Planets, doth conuey and tranſport their operations and force through her Orbe vnto all Elementall Creatures, cauſing alteration of change and humors, times and ſeaſons, and diſtemperature of bodies; the auncient Aſtronomers haue attributed vnto them certaine names of creatures, figures, and poeticall alluſions, for diſtinction ſake, and to declare their propertie in ſome weake and confuſed ſort.

Mans bodie is diuided according to the Zodiake.

Alſo the number 19 called the Prime and Golden number, becauſe it was written in Golden letters for the vtilitie thereof, which deſerueth the more ſo to be adorned with Gold for a perpetuall remembrance of our noble King *Iames* and his royall iſſue, borne vpon the 19 day of ſeuerall moneths, which is not without ſome myſterie, as I thinke.

The 19 of Iune Añ 1568, King *Iames* was borne in Scotland.

The 19 of Februarie Añ 1594, Prince *Henrie* (deceaſed) was borne, and dyed before 19 yeares.

The 19 of Auguſt Añ 1596, the Lady *Elizabeth* his daughter was borne.

The Golden number of king *Iames* and his royall iſſue.

The 19 of Nouember *An.* 1600, Prince *Charles* his ſonne was borne, *Deo gratias.*

It may ſeeme ſtrange, that *Iulius Cæſar* did not obſerue this num-

ber of the meeting of the Sunne and Moone vpon this Period, when he made his Kalender 44 yeres before Christ; for the vse hereof began in the yeare of Christ 532. And this number of 532 containeth 19 times 28, in which time of 28 yeares (being the Cicle of the Sunne) the same is multiplied by 19, which is the Cicle of the Moone.

Cicle of the Sunne is 28 yeare.

The Dominicall letter is according to the noting of the seuen daies of the weeke, according to the Cicle of the Sunne, beginning from A.B.C.D.E.F.G. and so returning and continuing for euer.

The Dominicall letters.

The day doth also begin diuersly: The Astrologians or Astronomers begin the same from one mid-day (or noon) vntil the next, being 24 houres by the clocke; which is the cause that in their Alminacks they do set downe alwaies the place of the course of the Moone, being so many degrees at noone; howbeit we reckon 12 houres; France Spaine, and other places, the Venetians, and most towns of Italy, the Bohemians, Athenians, Ægyptians, some Iewes and Grecians, Poland and Silesia from the setting of the Sunne vntill the next setting, 24 houres. Babylonians, Persians, Chaldeans, some Hebrewes and Greekes, old Romanes, and they of Wirtenborough and Norenborough, from one rising of the Sunne to the other, 24 houres.

Diuers beginnings of the day.

The daies of the moneth are also noted by Calends, Nones, and Ides. The first day of the month was *Calend*, so called of *Vocato Populo*, declaring how many daies it was to the *Nonas*, that all the people was to assemble in the citie, to know what was commaunded vnto them by the Temporall and Spirituall lawes, as being *noue obseruationis initium*, or *none*, as the ninth day from *Idus*. The Tuscanes heretofore did homage to their king that day, and then it was commonly new Moone, and *Idus* was the full Moone, vpon the Moone moneths, being March, May, Iuly, and October, being of 31 daies, which had six *Nonas*, whereas the other 8 moneths haue but 4 *Nonas*, and euerie moneth 8 *Idus*.

Calends, Nones, and Ides.

*Indictio Romana*, whereby many histories account their yeares, was instituted when the Romanes had dominion ouer the greatest part of the world, because vpon euerie *Lustrum*, which was euerie fifth yere, euery one was to pay tribute vnto them. The first yere they did bring Gold, the second Siluer, the third yeare Yron for munition and armour: So that it was the space of 15 yeares, beginning from the 25 of September. And at the birth of Christ it was *Indictio* 3, and falleth out in the yeare of 1620 to be also *Indictio* 3, according to which obseruation the calculation of some historicall yeares is made.

Indictio Romana.

*That the Romane Kalender may easily be reformed without the Alteration of ten dayes, made by Pope* Gregoric *the* 13.

IVlius Cæsar the first Emperor of Rome, a man learned and of great magnanimitie, considering that the Romane yeares were reckoned confusedly according to the course of the Moone, & by the Hebrews

with

with their intercalar moneth, to make the same agree with the Sun: By the counsell and instigation of *Sosigenes*, an expert Mathematician, about 44 yeares before the Birth of Christ, deuised a new forme of Kalendar, first framed after the course of the Sunne, diuiding the whole yeare into three hundred sixtie fiue dayes, and sixe houres, making it to containe twelue moneths, whereof the names are yet in vse; beginning from March for the first moneth; which caused September, October, Nouember, and December, to beare their names the seuenth, eighth, ninth, and tenth moneth; yet all yeares by the Almanackes putting Ianuarie for the first moneth, beareth the name accordingly from the Heathen god *Ianus*, painted with two faces, as it were beholding the yeare past, and the yeare to come. Februarie was so called of certaine sacrifices then offered, called *Februa*; March, of *Mars*, an Heathen god; April, of the Spring Time, and the word *Aperio*, opening all vegetibles and other things; May, of *Maya* the mother of *Mercury*; Iune, *à Iuniore*, for that all the yong people had a meeting in that moneth for recreation; Iuly, of his owne name *Iulius*; and *Augustus*, for the inlarging of the Empire.

The denomination of the moneths.

Now forasmuch as the odd six houres, could not conueniently bee brought to account euerie yeare: hee ordained that euerie fourth yeare one day should bee added to February, becausse foure times six houres maketh vp a whole day of foure and twentie houres, and the yeare wherein this odde day falleth, wee call commonly Leape yeare, hauing three hundred sixtie six dayes. And becausse it was added at the six Calends of March, it is named in Latine, *Bissixtus*, or *Bissextilis Annus*. Neuertheless *Iulius Cæsar* did begin his Kalender in Ianuarie, when the Sunne entreth the eighth degree of *Capricorne*, eight dayes after the winter *Solstitium*, which then being the shortest day of the yeare fell vpon the twentie fiue of December. And the Spring Time *Equinoctium*, about the twentie fiue of March. The which places of the Sunne are now changed and sliden backe in the Iulian Kalender, from the said obseruation of the Spring *Equinoctium*, as also from the Harueſt *Equinoctium* (being about the twentie six of September) the longest day then falling out the twentie fiue of Iune, grounded vpon this reason of preuention of the Equinoctiall to the twelfth, eleuenth, and tenth dayes of the said moneths, and the thirteenth and fourteenth of September: But the chiefe cause proceedeth by reason that *Iulius Cæsar* did reckon the yeare to continue three hundred sixtie fiue dayes, and six houres; which is more than the iust Astronomers calculation by tenne minutes of an houre, and fortie foure seconds, accounting sixty minutes to an houre, and sixtie seconds to a minute: so that the yeare truely containeth three hundred sixtie fiue dayes, fiue houres, fortie nine minutes, and sixteene seconds, as is before declared, which difference in the space of one hundred thirtie foure years or thereabouts, maketh one whole day; and in the space of one thousand six hundred sixtie foure yeares,

The Leape yeare.

Solstitium.

Equinoctium.

The difference af the account of yeares, for the errour.

being the time that the Iulian Kalender was ſet forth, vntill the laſt yeare, it commeth to twelue dayes, twentie two houres, fortie minutes, and twentie fiue ſeconds.

For this cauſe ſundry learned men haue heretofore deſired that the ſame may bee reformed, to auoid inconueniences, and to haue a true account of yeares and dayes. And the matter was propounded to diuers generall Councells, but tooke no effect, till now of late yeares, by meanes of Pope *Gregory* the thirteenth, in the yeare 1582, and then it was permitted to one *Aloyſius Lilius*, (profeſſor in Mathematicke Aſtrologie) to ſet downe this long deſired Reformation; who being reſolued to doe the ſame exactly by true account, was hindered by the Clergie, for they would not agree that the ſame ſhould be drawne backe any further than to the time of the Nicene Councell, which was in the yeare 328: and hereupon hee brought the reckoning backe only ten daies, & cauſed the fifteenth day of December to bee called the twentie fiue day, which is but obſerued in ſome places, and brought great controuerſie in diuers countries: ſeeing the day of the Natiuitie of Chriſt, and other Feſtiuall dayes, and alſo dayes of keeping of Faires and Markets, are changed and holden tenne dayes before the accuſtomed time. And Merchants and others in making their Contracts and Obligations are often diſappointed of their dayes of payment, with diuers other inconueniences.

Alteration of tenne dayes, and the inconueniences.

Whereas men of true iudgement, might haue made this argument: Is it by the addition of Time, growing by certaine minutes and ſeconds euery yeare, ariſing to one whole day euery fourth yeare, in the moneth of February? Then, as it is increaſed thereby thirteene dayes in one thouſand ſix hundred ſixty foure yeares, it may by the ſame Rule decreaſe ſo much in few yeares, by leauing out, and ſuſpending that one day, which is ſo added, vntil it come to his firſt inſtitution and calculation of the Iulian Kalender; which may bee reformed in fiftie two yeares, beginning from the yeare 1620, being Leape yeare, and leauing out thirteene dayes, which is little more than one houre in the ſaid, and is no perceptable difference; and after the ſaid fiftie two yeares expired, to adde the ſaid day againe, and there will not increaſe any one day more, but in one hundred thirtie foure yeares. And all the yearely obſeruations may be accommodated accordingly.

A true and good reformation of the Iulian Kalender.

I made an exact Table heereof, in the yeare 1604, whereby the day of the Natiuitie of our Sauiour fell out againe to bee the ſhorteſt day of the yeare. This Table was ſhewed vnto the Kings Maieſtie of Great Brittaine (as I was informed) and howſoeuer pleaſing, yet for ſome cauſes to mee vnknowne not held fit to bee eſtabliſhed.

## CHAP. III.

### *Of* NVMBER, *and the Myſteries thereof.*

VNitie is the Spring and Fountaine of Numbers, which hath a reference vnto God, the only fountaine of Goodneſſe, the onely Father, Creator, and preſeruer of vs all. Heere let vs note, that the Philoſophers haue not onely (with one conſent) affirmed, That great myſteries and vertues are contained in numbers. But the ancient Fathers haue alſo obſerued the ſame in the holy Scripture; as *Ierome*, *Auguſtine*, *Origen*, *Ambroſe*, *Baſil*, *Athanaſius*, *Hilarius*, *Rabanus*, *Beda*, and others; amongſt whom Doctor *Rabanus* hath made a booke of the vertues which are hidden vnder Number. And if there were no myſterie comprehended vnder Number, Saint *Iohn* in the Reuelation would not haue ſaid, He that hath vnderſtanding let him reckon the Number of the name of the Beaſt, which is the number of a man, ſpeaking of Antichriſt in the dayes of the Emperour *Domitian*, the tenth perſecutor of the Chriſtians, and the twelfth Romane Emperour, when the Latine tongue was moſt frequent, although he did write in Greeke, which number was 666 by ſignificant letters. Now, as one is no Number, but *vnitas*; ſo there is but one God, one World, one Sunne, one King of Bees, and leader amongſt Cattell. Number Two, is the firſt offſpring of vnitie, not compoſed, but in ſocietie vnited, called the Number of Iuſtice, wherein many things are obſeruable. The Two Tables of the Law; Two Cherubins vpon the Arke of *Moſes*; Two Teſtaments; Two great Lights; Two Natures in Chriſt; Two Solſtices; Two Equinoctialls; Two Poles, and many other things.

*Vicarius generalis Dei, in Terris.* D. C. L. V. V. IIIIII.

*Vnitas.*

*Dualitas.*

*Et impedito Sole quando oriebatur vel non oriebatur, aut dominicor*

The Number Three is called Holy, and *Tria ſunt omnia*, as the Philoſopher ſaith, which diuers alſo doe acknowledge to be of great efficacie in all things; whereof *Pithagoras*, *Virgil*, *Plinie*, *Ariſtotle*, *Trimegiſtus* and others, haue written copiouſly; the glory of all belonging to the three perſons in the God-head, with the vertues of *Faith*, *Hope*, and *Charitie*. In the figure of Foure many things are to bee noted, as the Foure Elements; the Foure originall Windes; the Foure Seaſons of the yeare, &c. So of the Number Fiue, being the *Medium* of Tenne, which in Number figuratiue climeth no higher, without doubling in Letters or Figures, hauing this propertie, that take nine from

*Trias.*

*4. & Quinarius.*

*Denarius.*

from tenne, there remaineth one; take eight, there remaineth two; take ſeuen, there remaineth three, and ſixe remaineth foure: All which remainders added together, make againe the Number Tenne, whereof the Number Fiue is equidiſtant. To ſpeake of the fiue Senſes, fiue fingers and toes, fiue ſorts of creatures, and other dependences, would be tedious. The Number Six is not void of the like applications: but no number more vſed in holy Scripture (as perfect and compleate) than the Number Seuen, called Sacred, becauſe God reſted the Seuenth day, and did bleſſe and hallow the ſame. It was ordained in the Law, that amongſt the people of God, euery Seuenth yeare ſhould be held holy, wherein the land ſhould reſt from labour, and that libertie ſhould be giuen vnto ſeruants, and bee called a yeare of Reſt vnto the Lord. And by the like reaſons it was inſtituted, that the Iſraelites ſhould number vnto them ſeuen Sabbaths of yeares, containing 49 yeares, and immediatly in the beginning of the 50 yeare following, the trumpet of a Iubilee ſhould be blowne the 10 day of the Seuenth Month. The ſacrifices for the moſt part were offered by Seuens; the great feaſts of Gods people laſted Seuen daies, and they did eat Seuen dayes vnleauenned bread at the Paſſeouer; Seuen weekes were reckoned betweene the Paſſeouer and Pentecoſt, and moſt of the feaſts were in the ſeuenth Moneth. In a figure alſo did the Arke of *Noah* (which was a figure of Chriſt) reſt vpon the Mountaines of Ararat in the ſeuenth Moneth: likewiſe it is ſaid, *Wiſedome hath builded her houſe with ſeuen Pillars*, vnderſtanding the Church, with the gifts of the Spirit, which are figured by Seuen burning Lamps, and by Seuen grauen Candleſtickes, The Stone mentioned by *Zachary* (which is Chriſt) hath Seuen watching eyes of God; and the Number Seuen ſo often vſed in the Reuelation of *Iohn*. To ſay nothing of the Seuen Planets running their courſes; and amongſt the fixed Starres, the Seuen called *Pleiades*, and other Seuen, *Hyades*; and the two *Polar* Images, called *Vrſa Maior, & vrſa Minor*, containe each ſeuen Starres; and many other obſeruations of the ſaid Number Seuen may be noted.

*Numerus magna perfectionis & virtutis.*

Sabbathecall yeares.

Iubilee yeare.

Some obſeruations there are of the Numbers Eight and Nine. And for the Number Tenne, notice is taken of the Tenne Commandements; Tenne Curtaines in the Temple of *Salomon*; Tenne Strings vpon the Harpe, Tenne Muſicall Inſtruments, and diuers other particulars.

The Number Twelue hath very great vſe and concordance in the Scripture: the 12 Tribes of Iſrael, whereof 12 Stones were placed in the Riuer Iordan, and ſo many precious Stones vpon the breſtplate of *Aaron*; ſo many Loaues offered; ſo many Altars builded, and ſo many Lions vnder the brazen Seas; ſo many fountaines in *Helim*, & ſo many men ſent into the land of Promiſe; hereunto allude the Twelue Apoſtles, Twelue thouſand Nations marked, Twelue Starrs to crowne the Queene of Heauen, Twelue Baskets of bread gathered, Twelue Angels, and ſo many gates and ſtones of the heauenly Ieruſalem;

ſalem; omitting to ſpeak of the Twelue Signes of the Zodiake, and many other particularities touching the coherence of this number. Let vs note, that ſome Indians and Heathen people at Guiana haue no diuiſion or account of Times and Number, they onely reckon by the moones, as one, two, three, foure, or fiue moneths; or by dayes in like manner: their numbers they reckon thus, one, two, three, and ſo to ten; then ten and one, ten and two, and ſo forth. And to ſhew their meaning more certainely, they will demonſtrate the ſame by their fingers, ſtill making ſignes as they ſpeake: and when they will reckon twentie, they will hold downe both their hands to their feet, ſhewing all their fingers and toes; and as the number is greater, ſo will they double the ſigne. And when they appoint or promiſe any thing at a limited time, they will deliuer a little bundle of ſtickes, equall to the number of daies or moones that they appoint, and will themſelues keepe another bundle of the like number; and to obſerue their appointed time, they will euerie day, or moone, take away a ſticke, and when they haue taken away all, then they know that the time of their appointment is come, and will accordingly performe their promiſe, which may be a preſident to many Chriſtians.

Indians account of Time and Number.

Thus much may ſuffice to haue noted concerning Number, and the coherence thereof with Time. Now whereas God by his diuine prouidence hath made all things ſubiect to *Number*, *Weight*, and *Meaſure*, let vs in the next place intreat of weight and meaſures.

## Chap. IIII.

### *Of* Weights *and* Measvres *vſed in all places of the world, with other obſeruations.*

HAuing intreated of Time and Number, wherein and wherewith God doth gouerne all things according to his determinate will and pleaſure: Now in order let vs handle the deſcripton of Weights and Meaſures, whereby all worldly things are diſpoſed of: which is moſt neceſſarie to be knowne, to giue euerie man his owne, and to buy and ſell by; according to which all contracts and agreements betweene man and man (in the courſe of Traffick and Trade for all commodities) are made, to diſtinguiſh *Meum* and *Tuum*, by the Law and otherwiſe, according to common conſent of all Nations.

The manner of Weights.

All

*All* WEIGHTS *are diuided into three ſorts.*

FIrſt by the great number, that is to ſay, by Hundreths, Kintalls, Centeners, Talents, Thouſands, Waighs, Skipponds, Charges, Liſpounds, Rooues, Stones, and ſuch like.

The ſecond ſort of Weights, is by Pounds, Mina, Manes, Rotulus, &c.

The third diuiſion of Weights doth conſiſt in the ſmaller diuiſions of 12, 14, 16, 18, 20 and 30 ounces to a pound, and the ſubdiuiſions thereof.

Talentum. The Talent of the Grecians 60 Minas, euerie Mana 100 Dragmes, ſo a Talent is ſix thouſand Dragmes, 8 of them to one ounce is 750 ounces. Another Talent of Greece is 16 Seſtertios, being 40 Minas or Pounds of 18 ounces, as alſo of 20 ounces. In Ægypt it was 32 Seſtertios or 80 Pound. The 50 Seſtertios of *Cleopatra* are 125 ℔. In Thratia 48 Seſtertios being 120 Pounds. In Africa 24 Seſtertios are 60 ℔. differing alſo in the pound weight.

Cantar or Kyntall. Cantar, or Kyntall, or Centener, called hundreths of 100, 112, 120, 125, 128, and 132 pounds. The Hebrews did call Cicar to bee 50 Minas or Maneg.

Weighs. Weighs are commonly 165 ℔, or 180 ℔, or 200 ½ for acharge.

Skippound. Skippounds of 300, 320, 340, and 400 pounds the Skippound.

Lyſpound. Lyſpounds of 15 and 16 pounds to the Lyſpound.

Rooues. Rooues or Arrobas of 10, 20, 25, 30, and 40 pound to the Rooue.

Stones. Stones of 6, 8, 10, 14, 16, 20, 21, 24, and 32 ℔, and alſo 40 ℔; as more particularly appeareth hereafter in their proper places.

Mixias. Mixias are alſo vſed, wherof we find mention made in ſome books, is ten thouſand, and is commonly vnderſtood for 10000 Dragmes of 8 to an ounce, and 12 ounces to the pound.

Markes. Beſſe. The pound is alſo diuided by Markes of 8 ounces, and Beſſe of 12 ounces; euerie ounce was amongſt the Hebrews 2 Sicles, or Stater.

Sicles. Stater. Gerag. Siclus is ſometimes taken for an ounce, alſo halfe an ounce, and quarter of an ounce, which is Gerag, or Obolus.

Mina Ptolomaica is 1 ½ Rotulus which is diuided into ſmall parts, *viz.*

- 18 ounces, of 12 to one Rotulus
- 144 Dragmes, of 8 to one ounce.
- 432 Scruples, of 3 to a Dragme.
- 846 Obulus.
- 1296 Lupes.
- 2592 Siliquas or Carrats.

Inna or Maneg. Mina of the Grecians, otherwiſe called Inna or Maneg, is a pound.

- 12 ½ Ounces.
- 25 Staters or Ciclos.
- 100 Dragmes or Roſoli.
- 300 Scruples, 24 to an Ounce.
- 600 Obolus.
- 900 Lupines.
- 1800 Siliquas.
- 3600 Areola or Chalcos.

Rotulus

Rotulus in Arabia, Siria, Asia Minor, Ægypt, and Venice is 1 ℔.

12 Ounces or Sachosi.
24 Septarios or Cicles.
84 Deniers of 7 to an Ounce.
96 Dragmes or Darchiny.
288 Scruples or Grana.
576 Obolus or Orlossat.
864 Danig.
1728 Carrats or Siliqua.
6912 Kestuff.

The 7 Deniers make an Ounce, and there were Dragmes also of $1\frac{1}{2}$ Dragme, and of $1\frac{1}{8}$ Dragme, and of one Dragme called Alby.

In the Low-countries the Pounds are diuided diuersly in 16 Ounces, euerie Ounce in 8 Dragmes, or fifths, and 8 parts; And in France they call them 8 Grosses, the 128 make one pound. In other places they diuide the pound in 12, 14, and 15 Ounces, whereof the Pounds and Ounces both do differ, which is the cause that hereafter euerie countrie hath a declaration thereof. Difference of Pound and Ounces.

At Bridges in Flaunders they vse Pounds of 14 Ounces, and of 16 Ounces, whereof the 100 ℔ of 16 Ounces make 108 ℔ of 14 Ounces; which Ounces of 14 to the Pound are heauier, for 100 Ounces of these are $105\frac{1}{7}$ Ounces of the 16 to the Pound: which Ounces are diuided in halfe Ounces, or Loot, and euerie Loot in 2 Sizayns, and euerie Sizayne in 2 Dragmes or Quintes. The smaller proportions and subdiuisions of other places are as followeth. The Pound weight of Bridges.

Italian Pounds for physicke vsed in other places also.

12 Ounces.
24 Loot.
48 Sizaynes or Siliqua.
96 Dragmes.
288 Scruples.
576 Obolus.
1728 Siliqua.
5760 Graines.

The said Weight of physicke is at Lyons in France as the Merchants ℔.

12 Ounces.
96 Dragmes.
288 Scruples.
5760 Graines.

The Pound weight of Venice.

12 Ounces.
72 Sextulas.
1728 Siliqua.
6912 Graines.

The Pound at Paris in France.

16 Ounces.
128 Grosses.
384 Scruples.
9216 Graines.

In

In Italie the Pound is alſo diuided { 12 Ounces. 24 Staters. 96 Dragmes.

Vienna in Auſtria the Pound in { 32 Loott. 128 Quintes. 512 Pennings. 12800 Graines.

Foraſmuch as it falleth out moſt commonly, that vpon triall of an vnknowne Weight, we doe beginne from the ſmalleſt Weight or Graine, and ſo aſcend to the other proportions, and to the Pound, by comparing the ſame to our Graines and diuiſions of the Pound, which in matter of mint for gold and ſiluer is of great moment, when the pennie weight is diuided into 24 Graines in England, and in the Low-countries into 32 Grains. Let vs note the great diuerſitie aboue-ſaid of 5760 Graines to 12800 vſed at Vienna and other places, proportionably to their pound; and conſider how eaſily we may be ouertaken therein, whereof a more ample declaration is in the mint affaires.

*Differences of Graines.*

There is alſo a great obſeruation to be had in the correſpondencie of Weights of one countrie to the Weights of another countrie, vpon the hundreth ſubtle, that is to ſay 100 pounds euen Weight. And becauſe in England all wares of Volume or Bulck is ſold, ſome by the hundreth weight of 112 ℔, and ſome is ſold by the pound, as ſpices, ſugars, and ſuch like, & yet are weighed by the ſaid weight of 112 ℔; and that moreouer there is an ouer-weight allowed called Trett which is 4 vpon the 112 ℔, and alſo 2 ℔ vpon euery skale of 3 hundreth weight called Cloff, which is abated betweene the buyer and ſeller, and ſo there is a loſſe of weight by this Trett and Cloff: and eſpecially becauſe the commodities imported are bought by the weight of forreine nations; I haue thought conuenient to deſcribe the ſaid correſpondence of Weight according to the 100 ℔ ſubtle of Antuerp, being generally knowne in all places: and for the Weight of London, to make ſome obſeruations particularly.

*Trett and Cloffe,*

*The correſpondencie of* Weight *of moſt places of Trafficke.*

*Antuerp.* THe Cuſtome of Antuerp is to weigh by the hundreth pounds euen weight called Subtle, for the which commonly there is allowed at the weigh-houſe 101 ℔. A Stone weight is 8 ℔, the Skip-pound 300 ℔, the Weigh 165 ℔, the Carga or Charge 400 ℔, which are two Bales of 200 ℔ for an horſe to carrie on either ſide, and the Pound is diuided into 16 Ounces.

The ſaid 100 ℔ weight of Antuerp weigheth in the places following,

*London.* At London and all England —— 104 ℔ ſubtle weight, and of the

Kyntall

Kyntall weight of 112 ℔, it weigheth——91 ½ ℔.

At Dublin and all Ireland alſo, 104 ℔ and 91 ½ by the great hundreth. *Dublin.*

At Edenburgh in Scotland———96 ℔ and all Scotland ouer; and 103 ⅓ for 112 ℔. *Edenborough.*

The ſaid 100 ℔ make 189 ½ Markes of 8 ounces, which are ounces Troy; wherewith Gold, Siluer, Pearles, Muske, Corrall, &c.

Diamonds are weighed by another weight, called Carrat: which is alſo vſed in England, France, and other places. One Carrat is 4 graines in England; and with them about 5 graines, becauſe as aforeſaid they haue 32 graines to the Engliſh, being our penny weight. *Diamond weight.*

The ſaid 100 ℔ of Antuerp are correſpondent with the 100 ℔ of Bruxells, Malines, Hartogenboſh, Louain, Arſchot; but at Barrow op Zoom 98 ℔.

At Briges alſo 100 ℔. But wooll weight is 108 ℔, which are weighed by Stones of 6 ℔, called Nayles, vſed alſo by the Skinners there, and maketh 114 ℔ Engliſh Wooll weight waying by foure nayles, whereof fortie fiue nayles make a weight, the two waighes make one pocket of wooll. *Bridges.*

This 100 ℔ of Antuerp is but 93 ℔ at Bridges, in the waight of Butter and Cheeſe, waying by Stones of 6 ℔, and 20 Stones is a waigh, and doe make alſo 189 ½ Markes of Siluer, Gold, &c. Troy weight.

The ſaid 100 ℔ makes at Gaunde, Ypre, Dixmuyde, Hulſt, Poperinge, Tornay, Ailſt, Mirnow, for Hops and other wares 108 ℔; and alſo in the Wallons countrey. And at Audinard, Cortryke, Lille, Doway, Santomur, and all Flaunders 110 ℔. *Gaunde.*

The ſaid 100 ℔. of Antuerp make at Amſterdam but 94 ⅔ ℔, and for Silkes they vſe the weight of Antuerp. *Amſterdam.*

And all Holland, Gelderland, Walſland, and Sealand, it is 99 ℔. And 110 ℔ onely at Zurickzea and Tergoes maketh 107 ℔. *Holland, Sealand, &c.*

## FRANCE.

The ſaid 100 pound of Antuerpe Subtle, weigheth by the Kings weight,

At Paris———93 ℔ accounting 4 quarters of 25 pound to the hundreth.

Diepe, Abbeuile, Bourdeaux, Borgoingne, &c.———94 ½ ℔.

Roan———91 ℔, by the Vicontee, accounting as at Paris.

Alſo by the ordinary weight——94 ½, waighed by the ſame, and account 4 ℔ cent ouer.

Lyons

**Lyons**
- 111 ℔ Ordinary weight by Centeners of 112 ℔.
- 102 ℔ Almeric, or weight of Genua, for Silkes, Saffron, and such like, weighing by small weights, and abating 8 p 100.
- 94 ¾ ℔ By the Kings weight, to pay Custome by.
- A Charge, is 300 ℔, a Quintall 100 ℔, and a Somme is 400 ℔.

**Tholouze. Auignon. Montpellier** — 111 ℔; euery Centener or Quintall, is 2 Frailes of 56 ℔.

**Rochel.** — 111 ℔; and 119 ℔ by the small weight.

**Calais in Picardy**
- 111 ℔ Ordinary weight.
- 92 ℔ Merchants weight.
- 114 ℔ The English wooll weight.

**Genua**
- 102 ℔ Weight for Spices.
- 85 ℔ By the great weight.
- Carga, or Charge, is 270 ℔ small weight.

**Marsellis.** — 111 ℔.

**Saint *Antoine*.** — 127 ℔.

**Aquismort. Mirabel. Calsada. Offerte.** — 102 ℔. And all France generally 111 ℔. Lions weight are some 102 ℔, or 94 ¾ as aforesaid.

## SPAINE.

Seuill the said 100 ℔ are 107 ℔ by
- Great Quintall of 144 ℔ of 4 roues of 36 ℔.
- Smaller Quintall of 112 ℔, of 4 roues of 28 ℔.
- Lesser Quintall of 120 ℔, of 4 roues of 30 ℔.

**Granada & Armaria bona**
- 105 ℔ Is pound of 16 Ounces.
- 93 ℔ Silke and Copper weight of 18 Ounces.
- 54 ℔ Great weight for flesh, of 32 Ounces.

**Castile. Medina del Campo.** — 102 ℔.

**Burgos.** — 93 Rotolus.

**Arragon. Barselona.**
- 106 ℔.
- 96 ℔, Great weight for wooll.
- 131 ℔, Small weight for Saffron.

**Valentia.**
- 106 ℔ By Quintalls of 4 roues, of 30 ℔ for Spices.
- 134 ℔ By Quintalls of 4 roues, of 36 ℔.

Carga

Carga is 3 Quintalls of 360 ℔, and the greater of 432 pounds.

*The ſaid* 100 ℔ *of Antuerp makes in Spaine*

At Leon.——109 ℔.
Sarragoſſa.——112 ℔, and ſmal Quintal 131 ℔.
Lavalona, Sallanico & Magilica.——131 ℔.
Vilaco.——80 ℔.

The Ilands of the Canaries, and all the Ilands of Spaine vſe the weight of Seuill, as aforeſaid.

## PORTVGALL.

The ſaid 100 ℔ make 107½ Rotules or Araters by——
- The great Quintall of 128 ℔.
- The ſmall Quintall of 112 ℔, containing each foure rooues of 32 ℔, and 28 ℔.

There is allowance made, foure vpon the hundreth vpon Sugars; and 2 and 3 vpon Cotten wooll, and ſuch like. The ſmall Quintall is the weight of the contraction Houſe of the Indies: Spice is weighed heereby, but all weighed by the great Quintall, and reduced vpon the leſſe Quintall. One Quintall of Wax is 1½ Quintall of 112 ℔, is 168 ℔.

Madera, Cabo Verde, Santo Thomas, Guynea, Marocco in Barbary } 107½ Rotules, or pounds by the Quintall of 128 ℔.

Feas and Suus in Barbary 96 ℔.

Calicut 80 Aracoles for the ſaid 100 ℔ of Antuerp; here they ſell by Baccar or Bahar, being at Lisbone 4 great Quintalls of 112 ℔.

Baccar or Bahar is——
- 4 Quintals for 120 Aracoles.
- 20 Faracoles of 32 ℔ p Rooue, at Lixborne is 5 Quintalls.
- 480 Aracoles.

## ITALIE.

Venice, the ſaid 100 ℔, is——98⅔ ℔ great weight, wherwith Fleſh, Butter, cheeſe, Leather, dates, Yearne, Copper thred, yron, Oyle, Brimſtone, and Wooll are weighed, called, *A la groſſa*:

And by the ſmall weight, *Allaſotile*——156 ℔ of 12 ounces, moſt vſed for all merchandiſes, euery ounce is ſix Saſſi, euery Saſſi of 24 Carrats, euerie Carrat is foure Graines.

They doe alſo weigh by thouſands of 40 Mixi of 25 ℔ euerie one. And there is allowance made two vpon the hundreth, in the Cuſtome houſe, they account alſo by Cargaos of 400 ℔ ſmal weight: Alſo by ſtarre of 220 ℔ weight, howbeit ſtar is *Menſuralis*, to meaſure according to the weight of the goods, as Ginger 180 ℔, Raiſons 260 ℔, Corne 130 ℔. Starre containeth 54 pottles of wine at Antuerp, Iſtria, Spalato, Sequia, Fiume, Piran, and Trieſte, haue all the ſame weight, which the Venetians vſe, as aforeſaid.

The ſaid 100 ℔ at Rome. Florence. Bolognia. } 132 ℔. / 125 ℔ of 12 ounces. / 53 ℔ of 30 ounces, to weigh wax & wooll by roues of 10 ℔.

Milan, Pauia & Cremona { 143 ℔, of 12 ounces moſt vſed. / 132 ℔ of 12 ounces, being 13 of the other. / 60 ℔ of 28 ounces for fleſh.

Rechanate——————137 ℔, but to gold thred but 112 ℔.

Treuiſo, Padua, Ferrara, Ottrante, Vrbino, Lanſan, Ceſena, Bergamo, ——137 ℔, and 108 ℔ by the two Quintalls.

Verona 90 ℔, and for gold Thred { 143 ℔.
Breſſa 184 ℔, and for Venice gold { 136 ℔.
Naples 120 ℔, and for Venice gold { 134 ℔.
Romagna 120 ℔, and for Venice gold { 134 ℔.

Carpi, Mirandola, Parma, Plaiſance, Luca, Mantua, Forli, Carmia, Aquila, Crema, Como, Piedmont. } The ſaid 100 ℔ of Antuerp make 147 ℔.

Sauoy——————137 ℔, and ſmall weight 195 ℔.
Rauiano, Faenza, Modena, Rimano, Rauenna and Raguza, all 132 ℔.
Genes by Roues, to a Quintall of 4 Roues and 4 ℔ ouer and aboue allowed, Pepper 110 ℔, and Ginger 114 ℔ the Quintall.

Napoli de Reame, Puglia, Calabria } 147 ℔.
Macharon—— } 53 Rotulus the 100 to one quintal or Cantar.

Sicilia all the Iſland ouer {
152 ℔ of 12 ounces.
61 Rotuls of 30 ounces is a Cantar of 24 Seſtertios.
54 Rotuls for fleſh by Talents of 12 Seſtertios, is 30 Rotulos.

Candia

Candia—— 138 ℔ for gold threed.
89 Rotules, the 100 is a Cantar or Quintall.

Nigrepont
Griro
Laarta
Cataio
} 119 ℔.
87 Rotules, the 100 a Cantar.

Lacaonia 138 ℔, and 78 ½ Rotules.

Constantinople { 87 ½ Rotules, the 100 a Cantar.
39 Ochaa.

Dragma they call Metallici of 2 ½ make 3 Dragmes of ours.
The said 100 ℔ make at Armenia 130 ℔.
At Bursa in Natolia——88 Rotules.
Bucca——44 Ochas.
Damasco 26 Rotules, whereof the 100 make a Cantar, euery Cantar 5 Zurli or stones of 20 Rotules, a Riuola is at Antuerp 225 ℔.
Tripoli 22 Rotules.
Bieritti 21 Rotules.
Suria 156 Minas, euerie one of 100 Dragmes.
Siria in Hebrew 80 Minas or Maneg, and 100 is a Talent of pounds 18 ounces.

Alexandria—— { 108 Rotules, the 100 a Cantar.
78 Minas of 26 ounces.

Kalla maketh at Antuerp 560 ℔.
Molucco 88 Rotules, the 112 make a Cantar.

Arabia—— { 78 Rotules of 12 Sachosi, or ounces
148 ℔.
104 Maires or Minas.

Almerica Malica—90 ℔ of 12 ounces, or 36 Minas Sestertios of 30 ounces, or is 60 Siclos.

Cyprus 20 ½ Rotules, the 100 a Cantar, and the 100 of Famagosta are in all the Iland 104.

Rhodes 19 ½ Rotules, the 100 make a Cantar.

Scio: Fio 96 ½ Rotules or Scrutari.

Corfu 97 ℔ great weight, and 115 ℔ small weight.

Leuante 26 Rotules and 156 ℔.

Ægypt. {
Alcario. { 78 Minas of 16 ounces
164 ℔.
27 Rotules of 6 ℔ euery one.
Sciba is at Antuerp, 320 ℔, is Skippound.
Zeroi is 50 Rotules.
Forfori is 65 Rotules, is for Pearles.
Zaidin is 77 Rotules.

Muske and Amber is weighed by Metallici or Dragmes, and with Peſo, whereof 1 ½ is Metallicum, the 50 are one marke, and our marke is 42 Metallici.

Suria { Tripoli 26 ½ Rotules. / Achri 17 ½ Rotules, the 100, a Cantan Tambaran. / Aleppo and Aman 22 Rotules, the 100 a Cantar.

Euerie Rotule is 60 ounces, 8 Metecalo or Dragmes is the Rotulo, 480 Metecalos or Metalicos is euerie one 1 ½ Peſo, and the 10 Peſos is an Ouga or Ongia, wherewith ciuet is weighed.

Archipelago, Nichoſia { 120 ℔.

Barbarie {
- Arcadia { 92 ℔. / 83 ℔, for Mauigette.
- Tripoli, Thunes { 63 Rotules.
- Oran { 94 Rotules, the Cantar is 5 Roues of 20 Rotules / 138 ℔ for ſpices, and the Cantar is 4 Roues. / 50 Rotules for corne, euerie Cantar 6 Rotules. / 61 Rotules for cotton wooll, 15 to a Cantar.
- Vna { 65 Rotules for cotton wooll. / 75 Rotules for ſpices. / 94 Rotules for corne.
- Sus in Africa by the Quintall of 100 ℔ of Seuill.
- Feas, the Quintall is 66 ℔ of Antuerpe of 18 ounces.

## GERMANIE.

The ſaid 100 ℔ of Antuerpe make as followeth, at

Norenborgh, Conſtance, Spiers, Bibrach { 92 ℔ of 16 ounces or 32 Loott, ſome by the Centener of 100 ℔, and ſome of 120 ℔.

Collen—— 93 ⅓ ℔.

Ausborgh, Munchen, Wiſell, Norlingen { all 95 ℔.

Salsborgh— 111 ℔ by the ſmall weight, and 83 ℔ by the great.

Meyſen and all Saxonie {
- 100 ℔, Zigoſtatica is the Princes, weight, marke, pounds of 16 ounces.
- 96 ℔ Merchants weight.
- 148 ℔ of 12 ounces.

Frankford

Frankford, Hecdelborgh, Lipſich, Friburch, Vlme, Iſuff, Offen of Offner, Baſle, Coſtuts, Dompſtetter } 96 ℔, they do vſe the Centener of 100 ℔, 120 ℔, and 132 ℔.

Botſen, Adler } 138 ℔, ordinarie weight. 91 ℔ to weigh Steele, Tinne, and Copper.

Breſloo, Sileſia, Pooſen } 120 ℔ by Centeners of 132 ℔, and Stones of 24 ℔, wherof 5 Stones make a Centener.

Prage, Canali, Paſſau, Gern, Regensborgh } 87 ℔.

Vienna, Erfurd, Idria } 85 ℔, a ſum of quickſiluer is 275 ℔ of { 32 Loott, 128 Quints, 512 Penning } the ℔.

Looſen—— 146 ℔.

## EASTLAND.

The ſaid 100 ℔ of Antuerpe make at

Hamborogh——96 ℔, The Centener is 120 ℔ of 10 ℔ to the ſtone, 300 ℔ to the Skippound, or 20 Liſpound of 15 ℔.

Lubecke——96 ℔, The Centener 112 ℔, the Stone 10 ℔, & 32 ſtone to a Skippound, and the 20 Liſpound of 16 marke pound is a Skippound alſo.

Coppenghen 96 ℔ as Lubecke

Berghen in Norway——96 ℔, but very vncertain waighing with a ſling.

Straelſont 92 ℔, the ſtone 10 ℔, and the Liſpond 16.

Statin is 96 ℔, ſmall ſtone 10 ℔, great ſtone 21 ℔, the Centener 112 ℔.

Stockholm in Sweden 120 ℔, the Skippond is 320 ℔, and alſo 340 ℔ as at Danſicke by ſtones of 34 ℔.

Reuell 120 ℔, and the Skippound is there 400 ℔.

Danſicke 120 ℔, 16 marke pound are one Liſpound, and 20 Liſpound one Skippound by the ſmall ſtone of 24 ℔ for ſpices &c.

They haue alſo a great ſtone to weigh groſſe wares, as wax, flax, and the like of 34 ℔, whereof 10 to the Skippound of 340 ℔.

Coninxborogh 125 ℔, the ſtone is 40 ℔, & 10 ſtones one Skippound of 400 ℔, they doe weigh alſo 350 ℔, for the Skippound of

Danſicke which is very dangerous, beſides that the citizens are much fauoured.

Meluin is 124 ℔, the ſtone 40 ℔.

Riga is 120 ℔, and 20 a Liſpound, & 20 Liſpound to the Skippound.

Thoren 120 ℔, the ſtone is 24 ℔.

Nareca 120 ℔, agreeing with the weight of Riga.

Wilde is likewiſe 120 ℔, and 20 ℔ one Liſpound.

Cracou is 124 ℔, and the Centener is 136 ℔.

The weight of the Laſt of corne.

The Skippound is vſed in many places, and as in Italie and other countries a Carga or Charge is the loading of a horſe of 300 or 400 ℔: ſo the Skippound is taken for the lading of corne in a ſhip, *Quaſi Shippond*, as a diuident of a Laſt of corne, and as a pound is diuided into 12 or 16 ounces, ſo is the ſhip-laſt diuided into 12 and 16 parts: As for example, at Danſicke 16 Skippound for the Laſt of 340 ℔ for euerie Skippound which is the Laſt of Rie, which is at Antuerpe 283 ℔, ſo the ſaid Laſt 4245 ℔: and of Wheate 4528 ℔. At Riga and the Nerua 12 Skippound 4000 ℔; at Melvyn and Connixborough 5200 ℔, in the Low-countries is 16 Shippound for Wheate at 300 ℔ maketh 4800 ℔, and 14 Skippound for Rie is 4200 ℔, ſo by the weight is the Laſt of Danſicke bigger and heauier than the Laſt of Amſterdam: and you ſee the difference of weight betweene Wheate and Rie. Theſe pounds are called Marke Pounds, being of two marks to the pound, to be knowne thereby to be pounds of 16 ounces.

Rie.

Wheate.

## *Obſeruations concerning the manner of* Weighing.

TO weigh with few peeces or weights, take weights of augmentation double, namely 1 ℔, 2, 4, 8, 16, 32, and 64, making together 127 ℔, and with theſe 7 peeces you may weigh all things vntill 127 ℔: and with treble augmentations, as 1, 3, 9, 27, 81, 243, and 729 ℔, vntill 1093 ℔. But the double augmentation is more commodious for Germanie and England where the Centener of 112 ℔ is vſed.

There muſt be an eſpeciall regard had concerning the Beames or Ballances for the iuſtifying of them: If it be an yron Beame trie the ſame emptie, and afterwards loaden with equall weights; and if it be a wooden Beame, it happeneth many times that the ends are not euen, or that the yrons about the ends are remoued more on the one ſide than the other; therefore trie the ſaid Beame both emptie and loaden, and you may find a great difference in weight, which with knocking in the yron with a hammer may be remedied.

Whereas the weight of Antuerpe (whereupon all the aforeſaid correſpondencies are calculated) is bigger than the weight of London foure vpon the hundreth, which may be thought a benefit: the ſame is not ſo to be accounted, becauſe of the Cuſtome of 4 *pro cento* for Trett, allowed betweene the buyer and the ſeller, at London, which taketh away the benefit. This Trett is taken by diuiding your

weight

weight ſubtle by 26, otherwiſe you ſhould allow as it were Trett vpon Trett.

The maner of the Romanes to make their Wills and Teſtaments.

The Romanes had a Cuſtome, to name or call euery mans Capitall, or Stocke, a pound, or As; diuiding the ſame into twelue ounces, euery ounce into 24 Scruples, 288 Scruples to the pound: Beſſe was $\frac{2}{3}$ of the pound, or 8 ounces; *Sextula* of an ounce. *Duellum* of the pound is *Bina ſextula*, or $\frac{1}{3}$ part, *Sicilicus* is 6 Scruples, Dragma 3 Scruples. And ſo in the making of their Wills and Teſtaments, they put downe one to be heire of Beſſe, is 192 Scruples, two of an *Ouncia* is $\frac{1}{12}$ part, or 24 Scruples, 3 of *ſemiſſa* is $\frac{1}{2}$ a Scruple, 4 of *Duello*, is 8 Scruples; in all 368 Scruples, there being but 288 Scruples in the pound: ſo euery mans portion muſt bee ratably diminiſhed according to the pound. *Cicero* made the Teſtament of *Ceſinna, ex deunce & ſenuncia*, was $\frac{11}{24}$ parts, and of *Marcus Fuluius* of 2 *Sextula* was $\frac{1}{10}$. There is alſo *Ebutio ſextula*, being $\frac{1}{72}$, and ſo the Maſſe of their goods was deſcribed.

Of one pound of 12 ounces, *Sextans* is 2 ounces, *Quadrans* 3 ounces, *Triens* 4 ounces; and ſo accordingly the goods were diſtributed in equitie. By meanes whereof the Teſtators wealth was vnknowne, and when hee gaue more than the proportion Arithmeticall came vnto, the order was to reduce the ſame to the pound of 288 Scruples, by diminution of euery mans rate accordingly. The Cuſtome vſed by many now to giue certainties, and the remainder in vncertaintie is to be preferred.

### *Weights for Monyes, and their correſpondence for moſt places of Trafficke.*

THere is an other weight, which is vſed in the Mints for Gold and Siluer, which is the marke weight of 8 ounces: This marke weight is heauier at Antuerp than their ordinary pound, by fiue vpon the hundreth.

This marke is diuided in 20 Engliſh, euery Engliſh 32 graines; ſo one marke is 5120 of their graines.

This manner of marke weight is vſed in moſt countries, howbeit in ſome places of Italy by pounds of 12 ounces otherwiſe diuided.

In England the pound Troy of 12 ounces is diuided into 20 penny weight, euery ounce, and euery penny weight into 24 graines, which in Antuerp vpon the marke is diuided into 32 graines. So the pound Troy of 12 ounces at London is but 5760 graines, whereas the marke of Antuerp being but 8 ounces is 5120 graines as aboue-ſaid. Whereof we intend to treat more amply in our Second Part of the Law-merchant.

There is alſo vſed a penny weight, which is diuided; The marke in eight ounces, the ounce in 24 penny weight, and the penny weight in twentie foure graines, making the ſaid marke of eight ounces to bee 4008 graines.

The

The Marke is diuided at Rome in eight Ounces.

The Marke weight of Rome.
- The Ounce in 8 Dragmes.
- Dragma 3 Scruples.
- Scruple 2 Obolus.
- Obolus 3 Siliquas.
- Siliqua 4 Primi or graines; ſo euery marke is 4608 graines.

Meyſen in Saxony.
- Markes 8 ounces.
- Ounce 24 penny or Deniers.
- Penny 24 graines or Momenta, is alſo 4608 Momenta to the Marke.

Danſicke in Eaſtland.
- Marke 8 ounces
- Ounce 32 penny } Is 512 in the mark.
- Penny 2 Heller

Norenborough.
- Marke 16 Loot.
- Loot 4 Quintes.
- Quints 4 Prime or Numulos.
- Penny 4 Seſtertios, is the marke 256 penny, or 1024 Seſtertios.

France.
- Marke 8 ounces
- Ounce 8 groſſes } Is 4608 grains the
- Groſſe 3 deniers } marke.
- Denier 24 grains

Portugall.
- Marke 8 ounces } 288 graines to
- Ounce 8 Oitauos. } the marke.
- Oitauo 4 ½ great Graines.

Venice.
- Marke 8 ounces.
- Ounce 4 quarts, or Silicos.
- Quarta 36 Carats or Siliquas.
- Carrat 4 graines, is 4608 graines to the marke, or 1152 Siliquas.

Florence.
- Pound in 12 ounces
- Ounce 24 deniere } 6912 graines
- Deniere 24 graines } the marke.

| | *Gold.* | *Siluer.* |
|---|---|---|
| Genua | Marke 8 ounces | Pound 12 ounces. |
| | Ounce 24 deniers. | Ounce 24 deniers. |
| | Denier 24 graines. | Denier 24 graines. |

Naples, a pound 12 ounces, and an ounce 8 Octany.

Beſſe

Besse, or old marke of the Romanes.
- 16 Loot or Tetradragmes.
- 21 ½ Tridragmes.
- 32 Didragmes.
- 64 Dragmes.
- 96 Obolus or Treobolus.
- 128 Triobulos.
- 384 Obolos.
- 768 Miobolos.
- 3840 Momenta.

The old pound of the Romanes, called Pondus.
- 64 Denarios.
- 128 Quinarios.
- 256 Sestertios.
- 640 Asses.
- 1280 Semilibellas.
- 2560 Teruncios.

Libra Romana.
- 12 Ounces or gilders.
- 84 Denarios.
- 168 Victoritatus.
- 336 Sestertios.
- 840 Asses.
- 3320 Quadrantes or Teruncios.
- 5040 Sextantes.

Wee haue declared heretofore the diuision of the pound weight for wares, and the correspondence of the hundreth pound, compared to the 100 ℔ Suttle of Antuerp. And now in the same manner wee shall note the correspondence likewise by the hundreth markes of Antuerp to all the said places or most of them, which is called the weight of the Duke of Burgundie, agreeable with the 100 markes of Bridges, and containing 14 ounces to the pound.

The said 100 markes of Antuerp make in all places following.

| | | |
|---|---|---|
| Saxony. | Dansicke. | 105 ½ Markes. |
| Meysen. | Milan. | |
| Collen. | Vicenza. | |
| Treci. | Lipsich. | |
| Mens. | Vlme. | |
| Erfurd. | Frankfoord. | |
| Grecia. | Ausborough. | |
| Norenborgh. | Bauiere. | 103 ½ Markes. |
| Franconia. | Bambergh. | |
| Wessilbourgh. | Fribourgh. | |
| Ancona. | Triuiso. | |
| Roma. | Crema. | |
| Venice. | Verona. | |

Piemond

Piedmont and Turin—99 Markes.
Florence 72 pounds.
Aquila 71 ℔.
Naples.
Calabria. } 76 ½ Pounds.
Puglia.
Adler.

Vienna.
Hungary. } 87 Markes.
Bothner.
Bohemia.

Breſla in Sileia 121 ¼ Markes.

Paris. } 112 Markes, Merchants weight.
Lyons. } 102 ½ Markes, the Kings weight.
Genua.

Genes.— { 116 Markes for gold.
77 Markes for ſiluer or pounds.

Spaine 107 Markes.
Catalonia 100 Markes.
Burgas 116 ⅔ Markes.

Conſtantinople.
Turkie. } 87 Markes.
Africa.
Narſinga.

Perou. } 87 ½ Markes.
Noua Spagnia.

Ægypt 94 Beſſes.
Perſia 87 Minas.

The premiſes are applyed for our inſtruction in the handling of Mint affaires more at large.

*Here followeth the deſcription of the Meaſures.*

WHereas all Commodities, Wates, or Stuffes made of wooll, linnen, ſilke, or haire, are meaſured by the Elle, or Yeard, which was taken vpon the meaſure or length of the arme, accounting the halfe Elle for *Cubitus*, diuided into foure quarters, and euery quarter into foure inches: wee ſhall alſo follow the elle at Antuerp, generally knowne and obſerued in all places, in the correſpondence and buying of forraine commodities by it, reducing the ſame afterwards to our elle or yeard,

The

The hundreth ells of Antuerpe make in the countries following. Correſpondence of meaſures.

## ENGLAND.

London
- 60 Ells for linnen Cloth with the palme and thumbe meaſured.
- 75 Yards for woollen Cloth with the thumbe which is $\frac{1}{36}$ of a yard.
- 59 Godes to meaſure Frizes or Frizadoes.
- 61 Elles Cords to meaſure Rowan Canuas whereof the Centener is 120 Elles, 10 Cords to a Centener of 12 Elles.

Scotland 72 Elles, and they reckon with ſixe ſcore to the hundreth, is 120.

## THE LOVV COVNTRIES.

Antuerpe for ſilke wares is but $98\frac{2}{3}$ Elles.
Bridges in the ſhops is alſo $98\frac{2}{3}$, but for linnen is but $94\frac{1}{2}$ Elles.

Gaunt, Audenarde, Yſenghem, Damme, Ipre, Sluys — all $98\frac{2}{3}$ Elles, and all Flanders and Brabant accordingly, and not named hereunder.

Dunkercke, Honſcotten — 100 Elles.

Caſſell, Wynockxborough, Deyſe, Lowe, Bolducke, Bruſelles, Dieſt, Louain make 102 Elles.
Lile, Cambray, Doway, Orſies, Meanen and Maſiers 96 Elles.
Amſterdam $101\frac{1}{4}$. Harlem in the market $94\frac{1}{2}$ Elles for linnen.
All Holland beſides is $103\frac{1}{2}$ Elles.
Henault $94\frac{1}{2}$ in the markets, but in ſhops $98\frac{1}{2}$ Elles.
Gelderland and Ouerryſell $104\frac{1}{2}$ Elles.
Middelborough 100 Elles, and in the market for linnen $94\frac{1}{2}$ Elles.
Fliſſingh 104 Elles, Vere $94\frac{1}{2}$ Elles, Goes 97 Elles, Romerſwall 99 Elles.
Artois all the whole prouince $98\frac{2}{3}$ Elles.
Tourney 108 Elles.
Liege 114 Elles.
Maeſtricht, Aſſelt, Namen, and Acon — $104\frac{1}{2}$ Elles.
Couyn but 70 Elles.
Hoye 102 Elles.

## FRANCE.

The ſaid 100 Elles of Antuerpe make at Rouen 58 Elles, the Centener of Elles being 112 of 4 quarters of 28 Elles.
Paris, Rochell, and all France, the following places excepted, 59 Ells.
Nantes, Abbeuile, and all Picardie 84 Elles.

Lyons— { 60 Elles for linnen cloth. / 94½ Elles for ſilke wares.

Auignon { 60 Elles. / 36 Cannes.

Prouence—36 Cannes.

Marſelles { 36 Cannes for ſilke. / 33½ Cannes for woollen cloth.

Geneua 60 Stabb.

## ITALIE.

Venice, Iſtrica, Piran { 101⅔ Braces for woollen cloth. / 108 for ſilkes and cloth of gold.

Florence { 122½ Braces for ſilkes. / 116 Elles for wollen cloth.

Rome { 33 Cannes. / 105½ for wollen cloth.

Luca and Raguza 120.

Ferrara, Modena, Mantua, Perato, Ancona, Ceſena, Bologna, Carpi, Nigropont, Mirandola. } 107½ Braces.

Verona { 104½ Braces. / 108 Braces of cloth of gold. / 86 Braces.

Parma { 109½ Braces. / 91 Braces.

Rauenna, Scio, Corfu 116⅔.

Genes { 122 Braces. / 288 Palmes for ſilke wares, and 104 palmes is giuen for 34⅔ Elles. / 32 Cannes for woollen cloth of 9 palmes the cane. / 29 Canes of linnen cloth of 10 palmes to the cane.

Vicenza

Vicenza 98⅔ for woollen cloth, and 80½ Braces for ſilkes.
Naples 116 Canes and 33⅓ Canes.
Padua 101⅔ for cloth, and 83½ Braces for ſilke wares.

Milan { 120 Braces Campido for linnen cloth.
141 Braces for ſilke, which muſt be conditioned.

Rauenna 113 Braces.

Breſſa, Treuira, Crema, Bergamo, Rechanati, Vrbin, Cremona, Lacaia. } 101⅔ Braces.

Peſaro 103, and for cloth 107 Braces.

Sicilia, Palermo, Maſilla ——— } 34½ Canes of 4 pichy to the Cane.

Gira 124 Pichy, Rama 115 Pichy, Salonici 109 Pichy.
Tripoli in Barbary 124 Pichy of 4 to a Cane.
Lavalona 111, Nigroponte and Lepanto 113 Pichy.
Alexandria, Larta 124 Pichy.
Siria, Damaſco, Bruti 111⅓ Pichy.

Suria { Tripoli 112 Pichy. Achri 115 Pichy. Alepo, Aman } 108 Pichy.

Burſa in Natolia 114 Pichy, Bucia 158 Pichy.

Conſtantinople { 113 Pichy. 80 Pichy for canuas.

Archipelago, Sapy ——— } 100.

Puglia { 31 Canes for clothes. 33 Canes for ſilkes.

Calabria, Adler, Lanſan, Malaca, Rhode, 33½ Canes.
Candia 108 Pichy, Sebenico, Zara 112 Braces.

## EASTLAND.

Embden, Brema, Hamborough } 122½ Elles.

Lubecke 120 Elles.
Munſter 65 Elles.
Oſenbrigh 63 Elles.

Wiſmar 118 Elles.
Roſticke 119 Elles.
Gripſwoll } 122½ Elles.
Domyn }
Statin, Ockermond, 106 Elles.
Danſicke, & Melvyn, 122 Elles.
Connixborough 125 Elles.
Riga and Reuell 125 Elles. Narua 125 Arſins.
Sweden and Stockholm 125 Elles, but at Barrow vncertaine, for they meaſure the bigneſſe of your head with a rope for an Elle, and may be 120 Elles.

## GERMANIE.

Collen 120 Elles.

Norenborough } 105 Elles for ſilke and linnen wares.
Meyſen }
Lipſich } 120 for cloth.

Ausborough } 127 for cloth.
Franckford } 125 for linnen.

Halle and Meydelborch, 105 Elles.

Prage }
Breſlo } 111 Elles, and for ſilke wares 120 Elles.
Bautſon }

Vienna 77½ for linnen, 85½ for cloth and ſilke.

Ofner {119 / 130} Regenburch 78½ Elles.

Vlm 120, and for woollen cloth 96 Elles.
Ernfurd 165 Elles. Ienfer 60 Stabb.
Zurich 116½ Elles. Baſell 125 Elles.

## SPAINE.

Caſtill and Toledo, 85 Varas of 4 Quartos, euery Quarto 2 Palmes.

Cadez { 81 Varas. / 108 Elles for ſilke.}

Andaluzia, Seuill, Granado 83½ Varas.
Barſelona, Aragon, 43 Cannes.
Saragoſia 33 Cannes.
Valentia 73 Cannes.

POR-

## PORTVGALL.

Lisborne { 62 Varas. / 83 Varas. / 100 Couados for Silke Wares.

Maroco. Capo d'Algier 136 ½ Couados, of twelue to one Cane.

### *The* Measure *of wet Commodities.*

THe Romanes in times past, called the wet Measure by Ounces, as wee doe the weight; accounting tenne Ounces *Ponderales*, for twelue Ounces *Mensurales*: so *Sestarius Romanorum* was eighteene Ounces weight Measure, and 21 ½ Ounces *Mensurales*, or wet Measure. Difference betweene pounds or ounces, *Ponderales* and *Mensurales*.

At Meyson in Saxony twentie Ounces *Ponderales*, make twentie foure *Mensurales*.

At Lypsich thirtie two Ounces wet Measure, to 26 ½ Ounces weight Measure; the difference of correspondence from fiue to six.

A Hogshead of Wine weigheth 500 ℔, the Caske 50 ℔: so in Wine 450 ℔.

A Hogshead of Corne 400 ℔, the Caske 50 ℔, is Netto 350 ℔ in Corne.

So one Tunne of Wine weigheth Nett 1800 ℔, and with the Caske 2000 ℔.

And one Tunne lading of Corne 1600 ℔, being in Caske also.

Two Tunnes are accounted for one Last: so two Tunnes of Wine 4000 ℔ and somewhat more; and in Hogsheads there should be but ⅔ parts of a Last. Obseruations for the lading of Ships by weight and measure.

At Dort in Holland, they call a great Vessell, a Rod of Wine, which weighed 4500 ℔, as a Last of Corne; comparing these 4500 ℔ *Mensurales*, by reduction of six to fiue, are 3750 ℔ *Ponderales*, is 12 ½ Ames. Now if you account the gallon of Wine of Antuerp to weigh 6 ℔, the capacitie of this Vessell is 15 Ames, being 750 gallons.

The Rod, is a Rod quadrant, of tenne foot long, and tenne foot broad, and one foot deepe, euery foot containing 7 ½ gallons Antuerps Measure, or 4 ⅔ foot Cubice.

The Romanes had a Measure called Amphora, of foure great feet, as are vsed at Paris, Cubice 64 foot of 11¼ of the Antuerp gallon: so you shall find the Rod of 750 gallons set downe for so many ounces; and tenne *Mixiades* for 1000 gallons Dorts, in the lieu of pounds.

Amphora, of the Romanes wet Measure, is 84 ℔. or 72 ℔. weight Measure, is 50 ℔ weight of Antuerp, and in——

| | |
|---|---|
| Wine or raine water | 50 ℔. |
| Of diuers Riuer water | 53 ℔. |
| Oyle or Butter | 45 ℔. |
| Beanes and Peaſe | 35 ℔. |
| Linſeed | 39 ℔. |
| Corne | 40 ℔. |
| Almonds | 42 ℔. |
| Raiſins | 49 ℔. |
| Figgs and Cheſnuts | 67 ℔. |
| Hony | 75 ℔. |
| Quickeſiluer | 850 ℔. |

Obſeruations. Peaſe grinded weigh more than Corne, the roundneſſe giueth cauſe to haue more roomth, and differeth from 7 to 9.

Warme water lighter then cold water. Warme water is lighter than cold water; and conſequently the cold water, as the heauier, will ſooner runne through a hole than the warme water, for the weight of the cold water preſſeth more.

Oyle and all greaſie things are light, and therefore ſwimme aboue, and burne. Diſtilled waters are yet lighter, and will ſwimme aboue the oyle, and alſo burne better, being more combuſtible.

The caske which is made for the keeping of wine doth differ much; in France, a tunne of two pipes, three puncheons, and foure hogheades, is euerie one of theſe ſix Ames of Antuerps meaſure.

In Germanie they call it a Fother, or the carriage of the drawing of two horſes, is called a *Voeder wyns*, and they account $2\frac{1}{2}$ Rodds for a fother of wine, or tenne French hogheads, euerie hoghead being an Ame of wine meaſure of Dort, whereby they meaſure and account their wines, namely the Reniſh-wines comming out of Germanie, whereof the Staple is kept at Dort aforeſaid. An Ame is 100 gallons or ſtoopen, and euery Gallon is ten Schreaues, meaſuring thereby by the great.

### *Of the correſpondence of Wine Meaſures.*

THe correſpondence of Wine Meaſure is taken vpon the veſſell of 6 Ames Meaſure of Antuerp, containing 300 Stoops, euery Stoop weighing 6 pound called a Stone, which 6 Ames make in

## FRANCE.

At Paris and Orleans—— Foure Hog-heads, lacking ten Stoops, euery Hoghead 312 Stoops, and at Paris 36 Sextiers, euery Sextier foure quarts, euery quart two pints, is 288 pints or graines imitated as before, euery pinte is two Choppins or Obles.

Bourdeaux

Bourdeaux 4 ½ Hogſheads.
Lisborne 5 ½ Hoſhgeads.
Auxere in Burgondy 3 Puncheons.
Poictou 2 Pipes ¼.
Coniac 2 Pipes, or 4 Hogſheads.
Ay and Artois 4 ⅔ Hogſheads.

## ENGLAND.

London 252 gallons, the gallon is halfe a buſhell of Corne, and the *Chus* meaſure of the Grecians. So an Ame is 42 gallons of wine.

## SPAINE.

Romani——
Seres or Sherry } Two Pipes of 150 Stoops, or 1 Butt and 2/10 euerie Butt, is at Antuerp 158 Stoops. They meaſure by the Rooue of 30 ℔, is 5 Stoops of Antuerp, and euery Butt containeth thirtie Rooues, and the Pipes containe thirtie Rooues of 28 ℔ weight.
Canarie——

Condado is 2 Butts.
Madera 2 Pipes lacking 16 Stoops.
Seuill 56 ¼ Rooues of Romani. A Rooue is eight Somer, euery Somer foure Quartils, euery Quartill is ⅛ of a Stoop of Antuerp.
They deliuer 27 and 28 Rooues in a Pipe.
But Oyle meaſure by 40 and 41 Rooues in the Pipe.
Anſoy or Baſtard, 2 Pipes 16 Stoops for the ſaid 6 Ames.

## PORTVGALL.

Lisborne } 37 ½ Almudas of 1 ½ Rooues of Seuill.
Euery Almudas is 12 Couados, or Somer, at Seuill.
Cauodo is 4 quarts.

Oyle Meaſure by Alqueri or Cantar, euery Alqueri 6 Couados, euery Cantar 4 Stoops of Antuerp.
Algarue 34 Starre.

## ITALIE.

Florence 16 ⅔ Barrells of 20 Fiaſchi, or 18 Stoop of Antuerp, the three Barrels is one Star, and Star is 54 Stoops Antuerp.
Rome 7 ⅓ Brenten, euery Brent 96 Pockall or 13 ½ Rubes or ſtones of 10 ℔ of 30 ounces in one Brent, or 42 ſtoops of Antuerp for Hony, the pound is 44 ounces.

Candia 80 Moſtaches, in Butt of 34 and 35 Moſtaches of 3 ¼ Stope.
Bolognia 13 Corbes.
Padua 1 $\frac{1}{21}$ Cara. The Oyle is by Millier of 1185 ℔, is at Antuerp 1100, maketh 152 Stopes in one Butt.
Venice 80 Moſtati, the 38 make one Butt, and 76 an Amphora, 16 $\frac{4}{7}$ Quarti Beſontz meaſure the 4 one Bigontz Bigonts, is a French Hogſ-head, one quart, eighteene Stopes of Antuerp. 15 $\frac{2}{7}$ Quarti meaſure, Secchio, or ſmall meaſure of foure Tiſchaufer.

Amphora { 4 Bigonts, or Bigontines. / 16 Quarti Bigots meaſure. / 18 ½ Quarti Secchio.

Lagel, is a Puncheon, Amphora is two Ames, for Oyle they meaſure by Amphora alſo, and for Hony, but moſt by Milliar of 1210 ℔.

Verona { 1 ½ Cara. / 14 Brentes, euery Brent 16 Baſſes. / Oyle by Milliar, of 1738 ℔, is Brenten 8, & 11 Baſſes.
Ferrara, 12 Maſtelli, of 8 Seccheio.
Vicenza, 1 $\frac{1}{26}$ Cara, the Oyle by the Milliar of Venice.
Treuiſo, 11 Conſi, the 10 one Cara.

Corfu } Zante } 37 Zare, or Sare.

Iſtria, 15 Venas, Prian 12 Vrna, Tunes 60 Matali of 32 Rotules.
Tripoli in Barbary, 45 Metares of 42 Rotules.
Conſtantinopolis 180 Almes.
96 ½ Almes of Oyle, is at Venice a Milliar.
Calabria 8 Salmes.
Puglia 8 Salmes are French Barrels, Oyle alſo 8 Salmes, euery Salme, 10 Star, euery Star 32 Pignatoli.

## *of the Correſpondence of Beere Meaſures.*

THe Barrell of Beere is made according to the Ame of Antuerp, and againſt ſpilling, accounted 54 Stoops in Flanders and Brabant.

The Barrell of Beere in Holland containeth 54 Stoops at Amſterdam 56 ½ Stoops, accounting 60 Stoops for 64 Flemiſh.

At London the Barrell of Beere 36 gallons beere meaſure, is 48 gallons wine meaſure. Euery gallon of Beere, is iuſt two Stoops in Flanders, and at Amſterdam 1 $\frac{2}{3}$ Stoops.

The Barrell of Lubicke, is iuſt 50 Stoopes of Antuerp.

The Fatt of Danſicke containeth 180 Stoops, of Danſicke is Antuerp 81.

*Old* Measures *of the Romanes,*

THe Latins and ancient Romans had *Doleum* which was $1\frac{1}{2}$, *Culeus* which was 2010 ℔ weight of Antuerpe.

*Culeus* did containe 20 *Amphora*, being *Amphora* 80 ℔ *Mensurales*, and *Ponderales* 69 ℔, maketh the *Culeus* 1380 ℔ of Antuerpe.

*Amphora* (is yet almost in vse in all Italie and Germanie) was also called *Cadus*. *Quadrantal* being a Tubb portable betweene *Tu* of a great foot *Cubice*, also *Ciraminium vini* is as at London the bushell of corne of 8 gallons of wine, weighed 60 ℔ of Antuerpe. *Vina* is $\frac{1}{2}$ *Amphora Quod vrinet* was a leaking bucket, also a tankard wherewith water is carried at London. Three Vrnas was 16 Stoops or a Sestier waighing $34\frac{1}{2}$ ℔.

*Congius* was a pottell of farewel, of $1\frac{1}{2}$ stoope, or an English gallon, maketh at Meysen 3 pots, weigheth $8\frac{1}{4}$ ℔. *Campsaces* is the same. *Sextarius* is $\frac{1}{6}$ of *Congeus*, or about one pint of Antuerpe.

There was *Sextarius Castrensis* of double the measure, which was vsed in the warres to euerie souldier one daily, weighing $23\frac{1}{2}$ ounces.

*Hemina* is at Antuerpe and Meyssen halfe a pint, called also *Allabastrum*. *Triblium* an oyle glasse weighed $11\frac{1}{2}$ ounces.

*Acetabulum* was a goblet to bring vineger to the table of 3 ounces.

*Ciatus*, in Germanie *Bacherline*, is 4 spoone-full, or a small romerken weighing 2 ounces, is the bignes of the egge of a hen.

*Culeus* is
- 20 Amphores.
- 40 Vrnas of 4 Congios.
- 160 Congios of 6 Sextarios.
- 960 Sextarios.
- 1920 Heminas.
- 3840 Quartas.
- 7680 Acetabula.
- 11520 Clatos or Ciatos.

Doraki is —

*Measures of the Grecians.*

METrices a *metiendo*, called *Artaba* by the Ægyptians, is $16\frac{1}{2}$ stoop, or a Sestier, waighing 100 ℔ at Antuerpe.

*Chus* is *Congius Romanorum*, about $1\frac{3}{4}$ stoope, a drinke of farewell which they did drinke one to another, weighed $8\frac{1}{4}$ ℔.

*Cotila* is *Romanorum Hemina* (the Spartans in their feasts gaue no more to euerie one) is halfe a pint. The king had a waight $11\frac{1}{2}$ ounces.

*Quartantius* is $\frac{1}{4}$ of a pint, weighing $5\frac{1}{2}$ ounces.

*Oxibaphum*, is as *Acetabulum* of $3\frac{1}{4}$ ounces, or $1\frac{1}{2}$ *Ciatos*.

*Metreta Laconica* was lesse, as *Amphora* of the Romans of 96 *Cotilas*.

*Modios* or *Medimios* is 8 stoops of Antuerpe.

*Metretes* is 12 *Chus*, or 144 *Cotilas*, or 576 *Oxibapha* of $1\frac{1}{2}$ *Ciatos*.

Bats

*Bats* or *Bathis* is $\frac{1}{2}$ *Metretes*, or 6 *Hinas* euerie *Hina* 8$\frac{1}{2}$ ℔.
*Logni* is 5 Egges of $\frac{2}{3}$ ℔: there were three ſorts of Egges vſed.

*Meaſures vſed by Phyſitians.*

Metretes is
- 72 Sextarios of 4 Quartas.
- 288 Quartarios or
- 12 Choas of 6 Sextar.
- 72 Sextarios of 2 Cotilas.
- 144 Cotilas.
- 288 Quartas.
- 576 Oxibapha.
- 864 Ciatos.

Ciatos is 1$\frac{1}{2}$ Ounces.
- 10 Dragma.
- 4 ſmall Miſtra.
- 3 great Miſtra.
- 2 ſmall Conchas.
- $\frac{1}{2}$ great Conchas.
- 5 Chemas.
- 10 Cochlearia or Spoonfull.

*Meaſures of Arabia.*

Dorath is Albi, Romans Amphora, Iohem is *Congeus Romanorum.*

Dorath is—
- 8 Iohem.
- 48 Kift.
- 96 Corbin.
- 192 Keliath.
- 384 Caſſich.
- 376 Cuatum.
- 2304 Salgerin,

Cophinus 3 ſtoop.
Mares or Pontes, 1 ſtoop.
Dadix 4 ſtoops, meaſures of Boetia.

*Artaba* meaſure of Ægypt, is 72 *Sextarios*, of 72 Nations knowne (then in the world) to be, *Collatum* is 6 ſtoops, *Chenix* a ſtoop, *Hidria* is 9 ſtoops, *Phiala* or *Briala* is a guilt cup.

*Of the correſpondence of the* Meaſures *of Corne.*

THe differences of the corne meaſures are verie neceſſarie to be knowne of all merchants and maſters of ſhips, letting thereupon their ſhips to fraight; the Laſt (which is two Tunnes lading) being the ground-worke of it, vſed in all the harbors of the ſea coaſts diuerſly. Foure and twentie ſmall Barrels are accounted for a Laſt, as herring Barrels, being 18 beere Barrels, or 18 Ames of Antuerpe, which are three Tunnes of wine; and yet we reckon two Tunnes of wine for a Laſt, for two Tunnes of wine weigh the weight of a Laſt of corne, that is to ſay, one hoghead 500 ℔, the 2 Tunnes 4000 ℔ accordingly,

accordingly, and 12 Hogheads of corne waighing 350 ℔ the Hoghead, beſides the caske, is 4200 ℔. But the corne is laden looſe, and filleth the roome full. One pound of wheate containeth about 9 thouſand graines of wheat; and the Laſt of 4300 ℔, is ſo many nine thouſand graines in a Laſt. The corne meaſure moſt knowne is in Latine *Modius*, a meaſure, in Germanie a *Molder*, in the Low-countries a *Mudde*, in France *Muy*: and the Laſt differing in ſo many places, it is not amiſſe to account the weight of a Laſt of wheat from 4200 to 4800 ℔, the Laſt of Rie from 4000 to 4200 ℔, the Laſt of Barley from 3000 to 3400 ℔: Oats are yet lighter, which is the cauſe that the Oats meaſure is made bigger to counteruaile the weight. We ſhal take our correſpondence vpon the Laſt of Amſterdam, beſt knowne euerie where, and where alſo all graines are meaſured alike. The Laſt of Amſterdam is 27 moyes, or mudden, euerie mudd 4 Schepells, is 108 Schepells to the Laſt: or a Laſt is 29 ſackes, euerie ſack 3 Achtelings, 24 ſmall Tunnes to a Laſt as aforeſaid, or 20½ meale Barrels, that is to ſay, one Laſt of meale is put into 20½ Barrels, becauſe it becommeth more depreſſed than corne, or 15½ great Barrels which do containe more.

It is alſo to be obſerued, that the difference of corne meaſure is of 6 vpon 7, alſo 3 to 4, and 2 to 3, and in ſome places one wil make two. And in many townes vpon the ſea coaſts they vſe two ſorts of meaſures, the one called the water meaſure, whereby the corne is meaſured on ſhip-boord (being alwaies the biggeſt,) the other is called land meaſure, becauſe the corne is meaſured thereby in all markets, ſhops, or places where corne is ſold.

*The* Laſt *of corne of Amſterdam is at the following places.*

DAnſick, e56 Schepells, wherof 60 there make a Laſt, the 4 Schepells make one Mudde, which is the Skippound of 340 ℔.

Embden 55 Werps, whereof 61 make the Laſt, or 15½ Barrells of 4 Werps.

Hamborough 83 Schepells, whereof 90 make a Laſt.

Lubecke 85 Schepells, whereof 96 make the Laſt.

Fameren 78 Schepells, whereof 96 to the Laſt.

Heyleger hauen in Denmarke 80 Schepells, alſo 96 to the Laſt.

Coppenhauen 23 ſmall barrells, whereof 42 make a Laſt.

Ebbeltorff Danic 23 barrells, whereof 36 to the Laſt.

Nelleboghe 23 barrells, whereof 42 to the Laſt.

Sweaden 23 barrells.

Connixborough $\frac{6}{7}$ of a Laſt, the 6 Laſt are 7 at Amſterdam.

Melvyn $\frac{17}{21}$ of a Laſt.

Statyn in Pomerland $\frac{6}{7}$ of a Laſt.

Riga 42 Loops, Roſticke and Mecheborough meaſure of Lubecke

Antuerpe 37½ Vertules.

Bruxells 10½ Mudden, and differing in all places of Brabant.

Gaunt

*Bats* or *Bathis* is $\frac{1}{2}$ *Metretes*, or 6 *Hinas* euerie *Hina* $8\frac{1}{3}$ ℔.
*Logui* is 5 Egges of $\frac{2}{3}$ ℔ : there were three ſorts of Egges vſed.

*Meaſures vſed by Phyſitians.*

Metretes is
- 72 Sextarios of 4 Quartas.
- 288 Quartarios or
- 12 Choas of 6 Sextar.
- 72 Sextarios of 2 Cotilas.
- 144 Cotilas.
- 288 Quartas.
- 576 Oxibapha.
- 864 Ciatos.

Ciatos is $1\frac{1}{2}$ Ounces.
- 10 Dragma.
- 4 ſmall Miſtra.
- 3 great Miſtra.
- 2 ſmall Conchas.
- $\frac{2}{3}$ great Conchas.
- 5 Chemas.
- 10 Cochlearia or Spoonfull.

*Meaſures of Arabia.*

Dorath is Albi, Romans Amphora, Iohem is *Congeus Romanorum.*

Dorath is—
- 8 Iohem.
- 48 Kift.
- 96 Corbin.
- 192 Keliath.
- 384 Caſſich.
- 376 Cuatum.
- 2304 Salgerin,

Cophinus 3 ſtoop.
Mares or Pontes, 1 ſtoop.
Dadix 4 ſtoops, meaſures of Boetia.

*Artaba* meaſure of Ægypt, is 72 *Sextarios*, of 72 Nations knowne (then in the world) to be, *Collatum* is 6 ſtoops, *Chenix* a ſtoop, *Hidria* is 9 ſtoops, *Phiala* or *Briala* is a guilt cup.

*Of the correſpondence of the* Meaſures *of Corne.*

THe differences of the corne meaſures are verie neceſſarie to be knowne of all merchants and maſters of ſhips, letting thereupon their ſhips to fraight; the Laſt (which is two Tunnes lading) being the ground-worke of it, vſed in all the harbors of the ſea coaſts diuerſly. Foure and twentie ſmall Barrels are accounted for a Laſt, as herring Barrels, being 18 beere Barrels, or 18 Ames of Antuerpe, which are three Tunnes of wine; and yet we reckon two Tunnes of wine for a Laſt, for two Tunnes of wine weigh the weight of a Laſt of corne, that is to ſay, one hoghead 500 ℔, the 2 Tunnes 4000 ℔ accordingly,

accordingly, and 12 Hogheads of corne waighing 350 ℔ the Hoghead, beſides the caske, is 4200 ℔. But the corne is laden looſe, and filleth the roome full. One pound of wheate containeth about 9 thouſand graines of wheat; and the Laſt of 4300 ℔, is ſo many nine thouſand graines in a Laſt. The corne meaſure moſt knowne is in Latine *Modius*, a meaſure, in Germanie a *Molder*, in the Low-countries a *Mudde*, in France *Muy*: and the Laſt differing in ſo many places, it is not amiſſe to account the weight of a Laſt of wheat from 4200 to 4800 ℔, the Laſt of Rie from 4000 to 4200 ℔, the Laſt of Barley from 3000 to 3400 ℔: Oats are yet lighter, which is the cauſe that the Oats meaſure is made bigger to counteruaile the weight. We ſhal take our correſpondence vpon the Laſt of Amſterdam, beſt knowne euerie where, and where alſo all graines are meaſured alike. The Laſt of Amſterdam is 27 moyes, or mudden, euerie mudd 4 Schepells, is 108 Schepells to the Laſt: or a Laſt is 29 ſackes, euerie ſack 3 Achtelings, 24 ſmall Tunnes to a Laſt as aforeſaid, or 20½ meale Barrels, that is to ſay, one Laſt of meale is put into 20½ Barrels, becauſe it becommeth more depreſſed than corne, or 15½ great Barrels which do containe more.

It is alſo to be obſerued, that the difference of corne meaſure is of 6 vpon 7, alſo 3 to 4, and 2 to 3, and in ſome places one wil make two. And in many townes vpon the ſea coaſts they vſe two ſorts of meaſures, the one called the water meaſure, whereby the corne is meaſured on ſhip-boord (being alwaies the biggeſt,) the other is called land meaſure, becauſe the corne is meaſured thereby in all markets, ſhops, or places where corne is ſold.

*The* Laſt *of corne of Amſterdam is at the following places.*

DAnſick, e56 Schepells, wherof 60 there make a Laſt, the 4 Schepells make one Mudde, which is the Skippound of 340 ℔.

Embden 55 Werps, whereof 61 make the Laſt, or 15½ Barrells of 4 Werps.

Hamborough 83 Schepells, whereof 90 make a Laſt.

Lubecke 85 Schepells, whereof 96 make the Laſt.

Fameren 78 Schepells, whereof 96 to the Laſt.

Heyleger hauen in Denmarke 80 Schepells, alſo 96 to the Laſt.

Coppenhauen 23 ſmall barrells, whereof 42 make a Laſt.

Ebbeltorff Danic 23 barrells, whereof 36 to the Laſt.

Nelleboghe 23 barrells, whereof 42 to the Laſt.

Sweaden 23 barrells.

Connixborough 6/7 of a Laſt, the 6 Laſt are 7 at Amſterdam.

Melvyn 17/21 of a Laſt.

Statyn in Pomerland 6/7 of a Laſt.

Riga 42 Loops, Roſticke and Mecheborough meaſure of Lubecke

Antuerpe 37½ Vertules.

Bruxells 10½ Mudden, and differing in all places of Brabant.

Gaunt

Gaunt 4 Mudds, 7 Halſters of 12 to one Mudd is 55 Halſters.
Bridges 17½ Hoot. Dunkircke 18 Raſiers water meaſure.
Middleborough 40 ſackes is 41½ to the Laſt in all Zeland.
Dort 28 ſackes.
Roterdam and Delfe 87 Achtelinges.
Schoonhauen 88 Achtelinges.
Enckhuyſen, Horne, Medenblick 42 ſackes.
Groeninghen 33 Mudds. Texell 58 Loops.

All other towes not ſcituated vpon the ſea-coaſts we doe omit, for this correſpondence is made conſidering the lading of ſhips.

London and all England is 10¼ quarters make one Laſt; but in the ordinarie lading 5 quarters are accounted for one tunne lading.
Calais 18 Raſiers doth agree with England.
Roan 20 vntill 30 Mines, euerie Mine is 4 Buſhels.
Rochell 128 Buſhels 4 to euerie Seſtier.
Bourdeaux 38 Boiſſiaux, whereof 33 to the Laſt.
Seuill 54 Hanegas, a Laſt is 4 Cahis of 12 Hanegas.
Lyxborne 225 Alquiers, whereof 240 to the Laſt, or 4 Moyos of 60 Alquiers to the Moyo, ano ſo in all the Iſlands of Portugall.
Venice 32 Star. Genoa 23½ Mina. Sicilia 38 Medinnos of 6 Moyos.
Puglia 32 Cara of 36 Timani.
Cyprus 40 Medinnos of 2 Cipros.

Note that the corne doth ſo much differ in goodneſſe, that the meaſure of Amſterdam will weigh of Eaſtland Wheat 156 ℔, of French Wheat 180 ℔, of Sicilia Wheat 224 ℔, and of Africa 236 ℔.

## *Of the Meaſures of* Salt, *correſpondence and goodneſſe of the ſame.*

THe heauier the Salt is, ſo much the better; therefore old Salt which hath lyen long, and is ſetled, is the better, and will moſt increaſe to make Salt vpon Salt, in yeelding more naturally; in ſo much that in the boyling of it, you muſt obſerue the wind, which is good at the North, but contrarie in the South. Salt will looſe the firſt yeare betweene 8 and 10 in the hundreth, and afterwards but little. But for the Salt boyler, he looſeth nothing, it is ſo much the heauier and better. Therefore in Eaſtland, at Riga and other places they ſell their Salt by weight, 12 Skippound for one Laſt, and in ſome places 15 and 16 Skippound; wherefore if you haue new Salt deliuer it by the meaſure, and if old Salt then deliuer by weight.

Profitable obſeruations about Salt.

In the boyling or roaſting of your ſalt, ſo called, it will augment or increaſe in meaſure according to the weight. New Spaniſh Salt from 100 to 135, 140 and more; and old Salt of 4 yeares lying made 100 to 200. This Salt is boiled by degrees, and is rough in the handling of it; for it is not driuen vp with a light fire, whereby it becommeth wateriſh and weake, not ſtrong enough to ſalt fleſh withall.

The

The Salt of Portugall and Bruwage, increaſeth 25 and 30 according to the goodnes: the white Salt being weake and of great grains, will loſe much in the remooving, and more in the carriage, by 8 and 10 p cent.

To ſalt fleſh withall, take of the ſlow boyled or roaſted Salt, but make firſt his Brine, otherwiſe it will be too weake.

One great hundred of Salt is foure ſmall hundreths.

We are to obſerue the correſpondence of Salt againſt one hundreth of Zealand, moſt knowne in all places: they meaſure their Salt with Barrels, 18 Barrels to a Laſt, and 7 Laſt to the hundreth, is 126 Barrells.

At Armuyden in Zealand, they reckon 8 $\frac{2}{3}$ weighes for one hundreth, euery weigh is 11 $\frac{1}{2}$ Sackes, euery Sacke foure Meaſures, and 15 weighs of Bruwage Salt make the great hundreth.

The Sackes of Salt of Armuyden, being 122 ſmall Barrels for the 100 Sacke, make as followeth in other places.

Bruwage $\frac{4}{7}$ parts of one hundreth of 28 Moyos, and 12 Sackes to the Moyo, alſo by Charges or Load; tenne load in the hundreth, and 48 Moyos or Muys to the Laſt, or 21 Barrell.

Lisborne 25 Moyos, Mary port 28 Moyos.

Saintubal 20 Cays. Calis 22 Cays.

Sanlucar 21 Cays.

Gaunt 108 Sackes or Barrels.

Antuerp 144 Vertels of 24 to the Laſt, and ſix Laſt to the hundreth, and the white Salt is meaſured with a leſſer Meaſure of 12 vpon 100.

The ſaid 100 Sackes of Salt of Armuyden in Zealand, make

At Dunkercke 92 Water-meaſures, or 104 Land-meaſures.

Oſtend 98 Meaſures, Damme and Axels 102 Meaſures.

Bridges 104 meaſures, and Ypre 144.

Roterdam 100, whereof ſix make one Mudde of eighteene to the hundreth.

Amſterdam, Vtrecht, Deuenter, 102 Scheppels.

Calis in France 130 Barrels, 19 to the Laſt, but 20 by fraighting.

Roan, and almoſt all France 6 $\frac{1}{2}$ Muys.

Hamborch 7 Laſt, whereof 80 Barrells maketh the hundreth.

Denmarke 6 $\frac{2}{3}$ Laſt.

Sweaden 112 Tunnes or Barrels, 16 to the Laſt.

Embden 100 Barrels, 14 to our Laſt.

Lubeck 7 Laſts of 18 Barrels.

London 7 $\frac{1}{2}$ Laſts of 18 Herring Barrels, but by Waighes 11 $\frac{1}{2}$.

Venice and Prian 70 Moſe.

*The Meaſures of Woad, Hops, and Sea-coale.*

VVOad of Thoulouze in France, made vp in Baskets of 56 ℔ weight, is at Antuerp 50 ℔, London 52 ℔. Foure Baskets are

are one Load and foure Bales, or 400 ℔ is reckoned for a Diars Triall, and at London they take foure Quintalls of 112 ℔ for a Triall, to know how many ſhort Clothes of 24 yeards it will dye, which is commonly of Ilands Woad from Saint *Michael* 7 Clothes: And at Thouloze they account that Woad of 36 Frankes, or about 4 pound ſterling, dieth 13 Clothes.

Cane in France they meaſure by a Tub, containing 8 Meaſures or Sackes, euery Meaſure 120 ℔, is the Coope at Antuerp 1050 ℔, accounted for a Triall, but is farre inferiour in goodneſſe to Thouloze Woad.

Eldfoord in Germany, there one great Drifatt of 1200 ℔ is a Triall.

Hoppes were wont to be ſold by the Meaſure, but now it is done by weight, namely the hundreth, or by a Skippound of Amſterdam of 300 ℔, which comming much into England from the following places, is worthy the obſeruation, albeit Engliſh Hopps are the beſt.

The Skippound of 300 ℔ of Amſterdam is——

- Bridges 13 Hoett, but now meaſured.
- Gaunt 23 Halſters.
- Delft 40 Achtelings.
- Schoonhouen 37 Achtelings.
- Vtrecht 13 Muddes.
- Bolduc or Hertogenboſh, 8 Hoet.
- Harlem 2 Hoet.
- Hamborough 1 ½ Wiſpell.

*The Meaſure of Sea-Coale.*

THis meaſure muſt of neceſſitie bee taken vpon the Chalder of New-caſtle, where the greateſt quantitie of Coales is found: They meaſure there by the Chalder filled vp, whereof 7 ½ Chalders make one Laſt, and is meaſured with giuing twentie one for twentie, the correſpondence is;

The Laſt of New-caſtle of 7 ½ Chalders, is——

- London and Yarmouth 10 Chalders.
- Roan 100 Barrels, giuing 104 for 100.
- Bridges and Oſtend 100 Meaſures for Oats.
- Dort 12 Hoet, alſo by Waighes of 144 ℔ of 24 Stones of 6 ℔.
- Gaunt 144 Sackes, or 24 Muddes.
- Alſt 200 Muddes.
- Antuerp 175 Vertels.
- Condet 44 Muys, the 80 make a Cherke.
- Zealand 68 Herring Barrels.
- Middleborough by Waigh of 180 ℔.
- Amſterdam 13 ½ Hoet of 38 Meaſures.

*Rules*

*Rules to know the goodneſſe of Sea-Coales*

1 TAke your Coale and hold the ſame ouer a candle, or rather ouer a flaming fire, and if the Coale doe melt (as it were) drop or fry, then it is vndoubtedly good Coale; for this is an argument of his fattie and ſulphurious nature, which miniſtreth ſtore of food for the fire. But if the ſame grow hard and dry ouer the flame, it is a ſigne of a leane and hungry Coale, and ſuch as will not cake or knit in the burning.

2 The brightneſſe and gliſtering of the Coale, both within and without, is ſome argument of his goodneſſe, albeit that ſome kind of bad Sea-coale, newly digged out of the Myne, and brought drie in Summer time, will both ſhew and breake faire, but moſt commonly if it breake in the colour or luſtre of Pitch, it prooueth a good Coale to the buyer. But without all queſtion, if the ſame bee of a darke, duskie, and dead earthly colour, it is vtterly vnprofitable for him that ſhall ſpend it.

3 The beſt and moſt aſſured proofe (except the making of a fire with them, wherein no man of any ſenſe can eaſily be deceiued) is the lightneſſe of the Coales in weight. This weight, as in many other bodies, ſo eſpecially in water, doth either argue his pureneſſe or impuritie; for the lighter and cleerer waters are euer held the better and more wholeſome, as leaſt participating with earth: now by the weight of halfe a Pecke of the good ones kept by you, triall may bee made at all times, for bad Coale is much diſpleaſing to all men.

*Of the Weights and Meaſures of England.*

COncerning weights, for difference in the ounces and the pounds, wee are to obſerue the Troy weight, which hath but twelue ounces to the pound; and Auoirdupois weight, which hath ſixteene ounces to the pound, which are leſſer ounces; for theſe 16 ounces make but 14 ounces and one halfe, and two penny weight of the ounces Troy, vſed in the Mint, where 136 ℔ Auoirdupois Suttle weight, is but 100 ℔ Suttle Troy weight. So accounted in the laſt Copper monyes, of pence and halfe pence made for Ireland. Troy weight. Auoirdupois weight.

The Troy weight ſerueth onely for Bread, Gold, Siluer, and Electuaries, accounted eight pound to the gallon, and ſo by computation ſixteene pound to the Pecke, 32 ℔ to the halfe Buſhell, and 64 ℔ to the Buſhell.

The Auoirdupois weight ſerueth to weigh Butter, Cheeſe, Fleſh, Tallow, Wax, and euery other thing which beareth the name of Garbell, and whereof iſſueth a refuſe or waſte. So 7 ℔ of this weight to the gallon for Wheat, is 14 ℔ the Pecke, 28 ℔ the halfe Buſhell, and 56 ℔ the Buſhell.

Correſpondence of the ſaid weight.

The 7 ℔ Auoirdupois weight, are one hundreth and two ounces Troy weight, according to which rate the quarter of Wheat muſt weigh 448 ℔ Auoirdupois; and 14 ℔ Auoirdupois, and 16 ℔ 11 ounces Troy, doe iuſtly accord, or 56 ℔ Auoirdupois, and 67 ℔ 8 ounces Troy: where note that one penny ſtarling, is the twentieth part of an ounce Troy, the halfe penny and farthing accordingly. And that 7 ℔ 12 s. ſtarling is 84 ounces and one halfe, and two penny weight of Troy. And 6 ℔ 18 s. ſtarling, is 82 ounces 3 quarters of an ounce, and one penny Troy. From the which 2 Aſſizes, the white wheaten and houſhold breads are calculated and drawne.

The meaſure drawne from the Troy weight.

For the wet Meaſure is alſo drawne from the pound weight Troy, both by land and within ſhipboord, as alſo all manner of Corne and graine, that is to ſay, The weight of twelue ounces Troy in wheat, doe make a concaue or hollow meaſure named a Pinte, and eight of the ſame pintes make a gallon of Wine, Ale, Beere, and Corne, according to the Standard of his Maieſties Exchequer, and the Acts of Parliament 11 and 12 *H.* 7. But for the water Meaſure within Shipboord, there is allowed tenne gallons to the Buſhell, which containe fiue Peckes.

The content of Caske.

From this Troy weight and meaſure, is drawne alſo the Aſſize for the quantitie and true content of all manner of Caske, lawfull and vendible within the Realme of England, that is to ſay, Euery Hogſhead to containe threeſcore and three Gallons; euery Tierce foure ſcore and foure Gallons; euery Pipe 126 Gallons, and euery Tunne 252 Gallons.

Salmon, Herring, Eeles, Soap meaſure.

There is alſo a meaſure called Salmon Butt of 84 gallons: ſo the Barrell of Salmon 42 Gallons, the halfe 21. The Herring Barrell is 32 Gallons, and the Eele Barrell 42 Gallons, and the halfe and Firken of both theſe muſt hold accordingly; the Soape Barrell 32 Gallons.

The weight of Cheeſe and Butter.

There is alſo the true weight of Cheeſe and Butter, called the weigh, which is 112 ℔ Auoirdupois to the hundreth: ſo the two hundreth is 224 ℔, containing 32 Cloues, and euery Cloue 7 ℔: ſo the weigh of Suffolke Cheeſe is 256 ℔ Auoirdupois weight: but the weigh of Eſſex Cheeſe, is 336 ℔.

The Sacke of Wooll.

The Sacke of Wooll is 364 ℔ weight of Auoirdupois, two Weighes of Wooll make a Sacke, and 12 Sackes make a Laſt. But

A Laſt of Herring.

a Laſt of Herrings containeth tenne thouſand, and euery thouſand containe tenne hundreth.

Load of Lead.

The Load of Lead is 175 ℔; the Fother maketh nineteene hundreth and one halfe.

## *Concerning* MEASVRES.

Yeard.

THere is a yeard deriued from the Graines of Barley. Three Barley Cornes in length make an inch, and twelue inches one foot, and three foot to the yeard, and 16½ foot make a Pole

or

or Pearch to measure land withall. Albeit this Pearch doth varie in some places, being 18 and 21 foot. Of these Pearches 40 in length and 4 in bredth make the Acre of land or wood. Whereupon *Plinie lib. 2. cap. 23.* deriueth *Stadium* to be a Furlong, which containeth 125 Paces, euerie Pace 5 Foot, the Foot is to containe 4 Palmes, and euerie Palme 4 Fingers bredth. Pearches. Acre of land. Furlong.

*The bredth of silke Cypers, bending and Curld.*

N°. 6 is 3 Nailes broad, n°. 8 is $3\frac{1}{2}$ Nailes, and n°. 10 is $\frac{1}{4}$ of a yard broad, n°. 12 is $\frac{1}{16}$ of a yard, n°. 14 is $\frac{3}{8}$ of a yard, n°. 16 is $\frac{7}{16}$ of a yard, n°. 18 is $\frac{1}{2}$ a yard broad. Note in all plaine Cypers they abate 10 vpon the hundreth, and so bring them from Braces into Flemish Elles, and in the curld they abate 25 p cent. and in bending 16 in the hundreth. Bredth of Cypers.

Genes silke by the Paune of 104 to the hundreth is $\frac{1}{4}$ 26 yards Englisch. Of silke wares.

Bolonia silkes by Braces the 100 are 89 Flemish Elles.

Florence silke by Braces the hundreth 81 $\frac{2}{3}$ Flemish, and 61 $\frac{1}{4}$ Englisch.

Luca by Braces the $\frac{1}{6}$ part of a Flemish Elle, or $\frac{1}{8}$ of a yard Englisch.

Venice by Braces the 100 are 95 Flemish, and 71 $\frac{1}{4}$ yards so Norenborgh.

Seuill by Varres the 100 is 123 $\frac{1}{2}$ Flemish, and 92 $\frac{1}{6}$ yards 74 Elles.

Roan by Elles the 100 is 125 yards, and 157 $\frac{1}{2}$ Varres of Spaine. And the 110 Elles Englisch is 135 $\frac{1}{2}$ Varres of Spaine.

The 100 Elles Flemish is but 60 Elles Englisch.

There are 8 Bushells in a Quarter, fiue Quarters to a Tunne lading, and ten Quarters a Last, but alwaies 10 $\frac{1}{4}$ or 10 $\frac{1}{2}$ for a Last of Holland. Corne measure as before.

Salt fortie Bushels make a Waigh, water measure of tenne Gallons. Salt.

At Plymouth they measure by a Bushell, alien measure, whereof 24 make a Tunne, and eight make a Quarter, so three Quarters make one Tunne, and euerie Bushell is eighteene Gallons: so that a Tunne of Salt at Plymouth is bigger than a Waigh of London by 32 Gallons.

*The Measures of* Lands.

THe measuring of Lands in distance or length extending to miles, or the partition of Lands by Measures, Acres, Arpentiers, Bunderen &c. is done by a Measure or Road, which is diuided in 10, 12, 14, 16 $\frac{1}{2}$, or 20 Foot: and the Foot is diuided in a certaine number of Ynches, 10, 12, or 16, which are also differing in bigneſſe.

*Digitus* or Finger, is in bredth 4 Barley corns laied close together.

A Thumbe or Inch is 6 Graines or Barley cornes, making two of them three.

*Ouncia* is 3 Fingers or 2 Thumbes.

*Palma* (in Greeke *Doron*) is 4 Fingers, is the 24 part of a mans stature.

*Lichas* or *Dichas* is a Span of a hand with the Thumbe and fore-finger, or ten Fingers; sometimes taken for two Palmes which is eight Fingers.

*Orthodoron* in Greeke is the length of a mans hand, or 11 Fingers.

*Spithama* or Span with the Thumbe and the little Finger is 16 *Digiti* or Fingers, also *Greciaries* 12 Fingers, is 3 Palma in Latin *Dodrans*.

*Pes* a Foot is 16 Fingers or 4 Palmes, or the $\frac{1}{6}$ of a proportionated mans stature.

*Pigme* is 18 Fingers, so a Pigme is a tall fellow.

*Pigori* is 20 Fingers, called *Cubitus*, from the elbow to the fingers doubled.

*Cubitus* is 24 Fingers, or 6 Palmes, is $\frac{1}{4}$ of a mans stature or *Sesquipes* $1\frac{1}{2}$ Foot, or 2 *Dodrantes* from the elbow to the point of the longest finger.

*Gradus* a step is two Foot, or 32 Fingers, as betweene both feet distant.

*Passus simplex* is $2\frac{1}{2}$ Foot, halfe a remoue of the bodie.

*Passus* is a Pace, with 2 leggs making from the heele to the toe 5 Foot.

*Orgia* or a Fathome, is 6 foot, in Latin *Vlna* or 4 *Cubicos*.

*Stadium* is *Aulus* of 125 Paces of $2\frac{1}{2}$ foot, is 312 foot. Greece 100 Paces was the running of one man with one breath, as *Hercules* did.

*Diaulus* is 2 *Stadia Hippicon*, 4 *Stadia* the running of a horse.

*Dolicos* is 12 Stadia, about the sixth part of a Dutch mile.

*Signes*, or *Scena*, or *Funiculus* in Ægypt is 60 Stadia, is an houres going, and euery man did draw the line going vp by boat.

*Stadmos* was a Posts iourney.

*Miliare vel Leuca* are diuers. But a Flemish mile is 1400 Roads.

*Gradus Geometrorum*, wherewith the world is measured round about, is 15 miles, so the world is 360 *Gradus*, *in toto* 5400 miles, or at 4 miles for one Geometricall mile, is 21600 miles.

The most commodious measure and more vsuall is the Road of 14 foot, rather than our pearch of $16\frac{1}{2}$ foot, and one hundreth of these Roads are called a Line of land, and three line make a great Measure of land, so called by the name Measure, whereupon we now proceed.

A Line of land, lying one foot broad, the length of a mile, and a plough going one foot broad may be accounted to go a mile, the land square 100 foot for a Road, and the Line of land one Road broad is 10600 foot.

A Line-

A Line ſquare is 10 thouſand Roads, or 33⅓ Meaſures as aforeſaid.

For a Meaſure is 300 Roads, and ſquare 17⅓ Roads, containing 58800 Foot.

This Road is called in Germanie Pertica making there 15 Foot, and in Flaunders accounting 1400 Roads for a mile is 10600 Foot in length.

A way one Road broad, is called a high-way for paſſengers Pedanticall.

A mile in length containeth 4⅔ Meaſures of land: the way of a wagon is accounted 9⅓ Meaſures.

Some in Flaunders do reckon 1000 Roads for a mile, but is of 20 Foot the Road.

Miliare was the diſtance or marching of a campe, without baiting, called *Raſtrum* or *Raſtas*, was 4000 paces.

The difference between miles is not to be reconciled, euery countrie hauing their owne computation, and that differing in moſt places within themſelues.

In Saxonie a mile is 4000 Paces, in other places in Germanie 5000 Paces.

In France they call them *Lieux* or *Leucas*, and in a parleament there it was appointed to be 1000 turnings of the wheeles of a Wagon, wherof the formoſt made wheele was 12, and the hindmoſt 18 foot, which betweene was adiudged vpon 15 Foot, is of a Dutch mile but ¾.

In Spaine one Dutch mile maketh one mile and one halfe.

In England 4 of their miles to one Dutch mile, being there 1000 Paces.

In Italie 1000 Paces, wherof the 3 is a Duch mile.

Florence 3000 Braces for a mile of 6 Roads, is 1300 Roades.

Holland 2000 Roads is 5 Holland miles for 4 Flaunders miles.

In Ægypt their *Cubitus Geometricus* is 6 of our Cubits, they reckon by *Scena* which is a Spaniſh mile.

Perſia *Paraſangia* of 30 *Stadia* or *Funiculi*, they meaſure with 24 fingers the cubit, and *Cubicus Regius* is 27 Fingers.

The Romans did vſe the Finger, Palme, and the Foot making foure Palmes.

In the meaſuring of lands and waies, diuers meaſures were by the ſaid Romans diuided into 12 ounces, and the ounce in 24 ſcruples, and ſo they called a foot a pound, and 2 foot *Dupondium*.

The Emperors tables were foure foot ſquare euery way, yet in vſe in Germanie and the Eaſt-countries; but in England, France, and the Low-countries are longer than broad, is to ſit 16 perſons euerie where.

*Iugerum* is vſed as a meaſure in Caſtilia and about Rome, being an old meaſure. *Iuger quaſi Iunctus* being one daies labour of two oxen at the plough, *vno iugo Bovum*, was the ſpace of 240 Foot, broad 120, containing 28800, which is correſpondent to one halfe great Meaſure

ſure of land, wherein they did alſo vſe many diuiſions and ſubdiuiſions according to the pound weight.

## *Of the nature and diuerſitie of* Colours.

ALbeit that colours are not comprehended in themſelues vnder weight and meaſure, yet becauſe the quantitie of the ſtuffe wherby things are dyed, are done by weight, as you may note in the precedent obſeruation of Woad; and for that merchants may giue the better iudgement of colours, knowing the nature thereof, I haue thought good (for varieties ſake) to intreat thereof.

The nature of all colours is confined betweene White and Black, and the originall colours proceeding and relating to the middle of them, which is Greene, for ſo experience hath taught vs in progreſſe of time, by long obſeruation, wherein by Art I haue found the truth by variation without the myſterie of dying, more certaine than *Ariſtotle* or other Phyloſophers by reaſon haue conceiued, according to the Theoricke part by them deſcribed, which by the Practicke part I am aſſured of by experience as aforeſaid.

The originall or primarie colours are ſeuen, as compleat in number, and all other colours are mixt and deriued from them according to the order following.

*Albus*, White
*Flauus*, Yellow } eaſily conuerted by decay of nature.

*Puniceus*, light Red, is neither Blew nor Purple.
*Viridis*, Greene, apt to be made into Blew.

*Purpureus*, Purple
*Cæruleus*, Blew } eaſily turned to Blacke.

*Niger*, Blacke, the true ground whereof is Blew.

All colours are light or obſcure, *Lucida vel Opaca*, and they all (except Blacke) may be called light, as more or leſſe partaking thereof.

In White is moſt light, and ſhadow or darknes leaſt or none at all.
In Blew is the contrarie, moſt ſhadow and leſſe light.
In Yellow is inward light and leſſe obſcuritie.
In Purple is the contrarie, inward obſcuritie and leſſe light.
In Greene, is equalitie of light and darkeneſſe.
In light Red, is more light than obſcuritie.

So that for too much want of obſcuritie commeth whiteneſſe, and for too much want of White or lightneſſe, commeth blackneſſe; and a cloth dyed Yellow being put into the Blew woaded veſſell, maketh an excellent Greene.

There was light and darkeneſſe before the Planet of the Sunne was created, albeit the diſtinction betweene day and night is aſcribed to the Sunne. Now the Moone hath no light, but what the Sunne doth impart vnto her, and the colours of the Raine-bow in the day time,

time, being produced by the foure Elements, doe approoue theſe colours to be ſo in nature, whereof the Philoſophers haue giuen a reaſon accordingly. But conſidering the curioſitie of them, and eſpecially of *Ariſtotle*, it is ſtrange vnto me that they haue not made mention of the colours of the Raine-bow in the night time, when the Moone is at full, and oppoſite to the Sunne, which colours neuertheleſſe take a reflection vpon the cloudes and obſcuritie of the night, far differing from the colour of the Raine-bow in the day time vpon the declination of the Sun; inſomuch that albeit all colours muſt be diſcerned by light, and ſo iudged accordingly, yet their operation doth differ very much, as may bee ſhewed: The propertie of all colours is to bee ſubiect to the ayre and Sunne, and all of them doe vaniſh; but in the blacke it is leaſt ſeene, and is alſo the ſureſt, hauing his ground vpon the blew; ſo it bee a blew ſubſtantiall of Woad or Indico, which is the extraction of the Herbe *Glauſtum*, or *Anill*, in the Eaſt and Weſt Indies like vnto our greene Woad; but the leaues of it are round and not long, howbeit the climate and ground make the maine difference.

There was of late yeares, two great controuerſies at the Councell Table: the one concerning the dying of Black-ſilke, called London Dye; the other concerning the vſe of Log-wood, being a falſe glorious colour. Dying of Blacke ſilke.

Concerning the London dye of Silke it was prooued, that one pound of 16 ounces was by ſophiſtications of additements augmented to 32 ounces, and fortie ounces: which fraud commeth to paſſe, by reaſon of the gummy matter or ſubſtance whereof the ſilke was not purged for blacke dye, as it is in colours, whereby it made ſuch an increaſe in weight. To preuent this abuſe, a Corporation of Silke-men were made; and neuertheleſſe, foraſmuch that a reaſonable increaſe of 8 ounces, doth looke fairer, and can bee better vſed, there remained a tolleration of this increaſe in London. The way to find out the fraud was by controlling the weight by meaſure, which by convulſion becommeth contracted: ſo that if the ſilke being purged decreaſeth 16 ounces to 13 and 12, will moderately haue afterwards ſome increaſe; then this ſilke being meaſured by the yard in Skeanes, and marked with Leads, and ſo deliuered to the Dyar, muſt bee receiued accordingly without ſuch contraction and decreaſe of length, by the increaſe of weight, theſe two controlling each other.

The indifferent courſe therefore, is the golden meane; ſo is it done concerning Log-wood, being good cheape and fit for dying of a faire colour, although vaniſhing, ſeruing for the poore people, wearing couſe Stuffe, or vſing things of ſmall value: that notwithſtanding that the vſe of it was prohibited, as well as the importation, yet now of late there is a competent quantity admitted to be vſed by Letters Pattent, and Proclamation. Dying by the helpe of Log-wood.

*A Table of the Standard, for the true making of Woollen Clothes, according to the Waight and Meaſure declared by the Statute made in the fourth yeare of his Maieſties raigne of Great Brittaine, &c.*

THe Sacke of Wooll appointed by King *Edward* the third, is diſtinguiſhed according to the Lunare yeare of 13 monethes, of 28 dayes, making in all 364 ℔, or 365 ℔, for ſo many dayes in the yeare; the Todd of Wooll being 28 ℔, for ſo many dayes in the moneth; and 13 Todds for ſo many moneths in the yeare; euery Todd containing foure Nayles, and euery Nayle being 7 ℔, for the ſeuen dayes of the weeke.

This Sacke of Wooll is accounted to make 4 Standard Clothes of cleane Wooll, called Sorting-clothes, waighing 60 ℔ the Cloth, and being 24 yeards long, of 6 ½ quarters broad or thereabouts, within the remedy or allowance of 2 ℔ weight vpon a cloth.

In the weight is to be obſerued, that the clothes be well ſcoured, thicked, milled, and fully dryed.

In the Meaſure likewiſe, that the ſame be meaſured by the yeard and inch, within the Liſt, concerning the breadth, according to the ſaid Statute made of all the ſeuerall ſorts of Clothes made in diuers Shires, *Viz.*

| | *Broad.* | *Weight, and* | *Meaſure.* |
|---|---|---|---|
| Kent, Yor. & Read. clothes of 6 ½ quarters | 86 ℔ | 30 & 34 | yeards. |
| Suffolke, Norffolke, and Eſſex of 7 quar. | 80 ℔ | 29 & 32 | yeards. |
| Worceſt. Couent. and Heref. of 6 ½ quar. | 78 ℔ | 30 & 33 | yeards. |
| Wiltſ. Gloceſt. Oxon. Somerſ. of 7 quar. | 76 ℔ | 29 & 32 | yeards. |
| Suffolke ſorting Clothes broad 6 ½ quar. | 64 ℔ | 23 & 26 | yeards. |
| All ſorting Clothes of diuers ſhires 6 ½ q. | 60 ℔ | 24 & 26 | yeards. |
| B. Cloth, Tauntons, Bridgewaters and Dunſtars——————of 7 quar. | 30 ℔ | 12 & 13 | yeards. |
| Broad & narrow of Yorkſhire of 4 quar. | 30 ℔ | 24 25 | yeards. |
| Deuon. Kerſeys and Dozens—of 4 quar. | 13 ℔ | 12 13 | yeards. |
| Check. Kerſeys, ſtraict & plain grayes 4 q. | 24 ℔ | 17 18 | yeards. |
| Ordinary Peniſtone or Foreſts 5 ½ quar. | 28 ℔ | 12 13 | yeards. |
| Sorting Peniſtones of 6 ½ quar.——— | 35 ℔ | 13 14 | yeards. |
| Waſhers of Lankyſhire and others——— | 17 ℔ | 17 18 | yeards. |
| Clogware, Kend. Karpnuales at pleaſure, | | 20 | at the leſt. |

The manner of making of all Woollen Clothes, and workemens orders, with the viewing, ſearching, and the forfeitures or abatements, may at large be ſeene by the ſaid Statute: being an Epitome of all former Acts concerning the indraping of Wools, appointing wherein Flockes, Thrums, or Lambs wooll may be put.

*Obſeruations*

*Obſeruations concerning the ſaid Weight and Meaſure of Clothes in generall.*

THat all Subſtantiall things, either dry or liquid, are by Diuine prouidence ſubiect and gouerned by Number, Weight, and Meaſure.

That Weight and Meaſure doe controle each other, and that Number giueth denomination to them both, to diſcerne truth from falſhood, as aforeſaid.

That the weight of a Cloth is more to be regarded, than the Meaſure, becauſe the weight containeth ſubſtance, which is abuſed by ſtretching it in meaſure.

That according to the Standard of Clothes, there muſt be allowed or accounted two pounds and one halfe of Wooll, to make one yeard of the aboueſaid Clothes.

That the Statute of Clothmaking, hath had a conſideration to make an allowance or abatement for Draped, Dreſſed, Rowed, and Sheared Clothes, which is fiue ℔ in a Long-cloth, and foure ℔ in a Broad-cloth, beſides the remedy of two ℔.

According to this Rule, his Maieſties Cuſtome for Cloth and Carſeyes, &c. ought to bee payed, equalizing the ſaid Cuſtome of Cloth, with the Cuſtome of Wooll, according to fortie ſhillings the Sacke, payed in the time of Queene *Mary*; which is to bee done according to the weight, and not according to the meaſure, as heretofore hath beene partly done. And the weight will cauſe Clothes to be better made, according to the Statute whereunto the Reformation muſt be reduced, which will be beneficiall.

*Benefits which will ariſe by the true making of Clothes in England, according to the Statute made in the fourth yeare of his Maieſties raigne of Great Brittaine.*

THe Cloth of the Realme ſhall recouer his former eſtimation, which euery Merchant (weighing his Clothes) will cauſe to bee obſerued, according to the ſaid rule and proportion betweene weight and meaſure, whereby the ſtretching and falſifying of Cloth will be controlled and preuented, eſpecially if this demonſtration (here ſet downe) ſhall direct the buyer of Clothes. And the like may be made for Carſeyes and all other woollen commodities, according to the ſaid Statute.

The Cloth being truely made, will be more vendible beyond the Seas, where many complaints are daily made of the falſe making thereof; which the Clothier cannot but know, vpon ſo many Certificates for Tare as are abated of them to their loſſe: euery Merchant looking more to buy good cheape, than to buy good Cloth, feeding falſe making by it, which commeth to paſſe more by ignorance than otherwiſe.

The

The Clothier finding the Merchant by these meanes able to controll him, will endeuour to make true Cloth, and the Officers to suruey it will be more carefull, and not send the Clothier their Leads and Stampe, and so they be payed, neuer looke to take paines to view the Cloth; hereby trafficke will increase for the generall good of the Realme, and his Maiesties Custome will be duely payed, according to the said Statute, and all will tend to the glory of God, and honour of the King, in all Equitie and Iustice to bee obserued in all well gouerned Common-weales.

Weights and Measures controll each other.

Wee may perceiue by the contents of this Discourse, how weight and measure doth controll each other: compare your measure of Corn with the weight, as before is declared; your length of Clothes with the weight as aforesaid; nay your wet Measures, with your dry Measures of all things of that nature, and experience by obseruation will teach you to distinguish truth from falshood, and how to know the goodnesse of things; if Spices become light, then the weight will shew it, because the substance is dryed vp; which to preuent is wisedome and no deceit: For as the Element of ayre is the cause of putrifaction, so the excluding of the same in many things, is a preseruation, and so is likewise the preuenting of drinesse. But to end this Triall of measure and weight, let vs obserue the Italians by weighing and measuring of their Silke wares. A yard of Satine weigheth foure ounces, being truely made, and if it bee aboue, they take the same to be ouergummed, and not truely made, and so if it weigh lesse.

## Chap. V.

### *Of the three Essentiall Parts of Trafficke, namely, Commodities, Money, and Exchange of Money by Billes of Exchanges.*

ALL the trafficke and commerce betweene Nation and Nation, or man and man, is performed vnder three Simples, which are properly the Essentiall parts of Trafficke: Namely, *Commodities*, *Money*, and *Exchange for Money by Billes of Exchanges*: which is effected by Number, Weight, and Measure, according to the former obseruation.

A Tripartite Exchange.

And herein is to be considered a Tripartite Exchange, That is;

Com-

Commodities for Commodities.
Commodities for Money, and
Commodities for exchange of Money, by Bills of exchange.

For ſome Merchants do negotiate all for Commodities, others all for Money, or Exchanges, or for all three or any of them which yeeldeth them moſt benefit and gaine: and herein is their particular profit, or *Priuatum Commodum*, more reſpected than the generall good of the common-wealth, whereby corruptible and vnneceſſarie commodities are giuen for Staple wares and durable commodities, to the impoueriſhing of kingdomes and common-weales. And not only is this commutation or exchange abuſed in kind, but alſo in the price, paying too deere for the one, and ſelling the other too good cheape; whereby commeth an ouer-ballancing of Commodities in price and qualitie, and not in quantitie; whereby in effect, Moneys are giuen to boot, and as it were ouer and aboue the reaſonable eſtimation of things; and herein is the courſe of Exchanges by Bills predominant, and ouer-ruling both the courſe of Commodities, and Money, as ſhall be at large demonſtrated hereafter.

Ouer-ballancing of Commodities.

For the ſaid three eſſentiall parts of Trafficke are properly the *Bodie, Soule, and Spirit of Commerce*, and haue their opperation accordingly.

The Bodie, Soule, and Spirit of traffick.

The firſt as the *Bodie* vpheld the world by commutation and bartring of Commodities, vntill Money was deuiſed to be coyned.

The ſecond, as the *Soule* in the Bodie, did infuſe life to trafficke, by the means of Equalitie and Equitie, preuenting aduantage between buyers and ſellers.

The third, as the *Spirit* and facultie of the Soule (being ſeated euerie where) corroborateth the vitall Spirit of trafficke, directing and controlling (by iuſt proportions) the prices and values of Commodities and Moneys.

True it is, that this Spirit and facultie of the Soule, namely the *Exchange for Money*, taketh his originall from the Soule, which giueth life to the bodie of trafficke; that is to ſay, The exchange for Moneys by Bills of Exchanges, is grounded vpon Moneys, and Moneys were inuented and made by common conſent to be the rule and ſquare to ſet a price vnto all things, and the right and true judges of them; and is therefore called *Publica Menſura*, or the publicke meaſure between man and man. But ſince the manner of Exchange was inuented betweene nations and nations, or countrie and countries, Moneys did onely remaine the publicke meaſure within the realmes or common-weales of euerie countrie, betweene man and man, according to the valuation of Princes and States impoſed vpon Moneys: and the Exchange of Moneys by Bills became *Publica Menſura* betweene vs and forreine nations, and betweene all nations in the courſe of commerce, according to which Exchange al Commodities are bought and ſold. And albeit that the aboundance or quantitie of Commodities, and the many or few buyers, or the ſcarcitie of Commodities, cauſeth the

Money the publicke meaſure at home.

Exchange for Moneys the publicke meaſure betweene nations.

the prices of Commodities to riſe and fall; and likewiſe that plentie of Money maketh things deere, and ſcarcitie of Money maketh them good cheape, as a propertie inherent vnto Money as a true meaſure: yet we muſt obſerue in true order, That both Commodities and Money are Paſſiue, ſince th'exchange was inuented, which is only Actiue, and that in countries where all the eſſentiall parts of trafficke are vſed. But howſoeuer, the Maxime is to be obſerued in the auoyding of the ſaid ouer-ballancing of Commodities in price and qualitie. *Marcus Cato* therefore ſaieth aduiſedly:

Commodities and Mony are things paſſiue.

*Oportet patrem familias eſſe Vendacem, non emacem.*

A prince therefore (as the father of the common-wealth) ought to be a ſeller and not a buyer, which commeth to paſſe when the expences of his common-wealth do not exceed his incomes and reuenues: this to be effected by keeping a certaine equalitie in the trafficke betwixt his kingdome and forreine nations. For riches being naturall, or artificiall, and both ſubiect to Number, Weight, and Meaſure, requireth a certain equalitie in the true cõmutation of things between vs and other nations. And juſtice being diſtributiue & commutatiue, euerie man of iudgement knoweth, that this part is comprehended vnder juſtice commutatiue; and that all trafficke conſiſteth of the land Commodities, and of the Commodities of the ſeas, and laſtly of the Commodities of other countries and nations. For God cauſed Nature to diſtribute her benefits or his bleſſings to ſeuerall clymats, ſupplying the barrenneſſe of ſome things in one countrie with the fruitfulneſſe and ſtore of other countries, to the end that interchangeably one common-weale ſhould liue with another.

Natural riches Artificiall riches.

Iuſtice diſtributiue and commutatiue.

Land Commodities. Sea Commodities.

Theſe Aphoriſmes or ſelected points are of great importance: for (as is noted before) gaine being the ſcope of all merchants, is procured without regard had to the common-wealth; the wealth whereof cannot properly decreaſe but three manner of waies, namely by ſelling our home Commodities too good cheape; by buying the foreine Commodities too deere; and by the tranſportation of Monys in *ſpecie*, when the exchange of monys doth not anſwere the true value of it, by Bills of Exchanges; as ſhall be plainely demonſtrated.

Proper cauſes of the decreaſe of wealth in a State.

For this Exchange is the Rudder of the ſhip of Trafficke, faſtened vpon the Paralell of the keele of Equitie, which doth rule and direct the ſaid ſhip vpon all the variations of the Commodities of all countries. Many men knowing that the Rudder doth gouerne the ſhip, can notwithſtanding giue little reaſon of the cauſe of it, but admire to ſee ſo ſmall a piece of timber haue ſo great an operation; yet no man is ſo fooliſh as to attribute that power vnto the ſailes or any other appurtenances of the ſhip, or to the maine bodie of it called the hull of the ſhip. Great is the error therfore of thoſe that will aſcribe any effectual operation to the quantitie of Commodities, albeit there was a trafficke and commerce without either Money or Exchange for Money, when the courſe of it was like a ſhip ſailing without Rudder or Compaſſe.

Exchange the Rudder of trafficke.

Money may well be compared to the Compaſſe, hauing ſo manie variations vpon the ſeuerall ſtandards of the coines of all countries, and changing continually from time to time in valuation; Princes and Common-weales taking aduantage one againſt another, either to draw treaſure into their Kingdomes and Territories, or to aduance the price of their countrie Commodities. And Exchange may properly be compared to the Rudder of a Ship, which commandeth the directions of the Compaſſe accordingly, and ſo doth the Exchange command the courſe of Money: for let the ſtandards of Moneys be altered either in weight, fineneſſe, or valuation, the Exchange by altering the price (with great facilitie) according to equity is able to meet and ouer-rule them all, as ſhall be declared in the progreſſe of this booke.

Money as the Compaſſe of a Ship, and Exchange the Rudder.

The learned haue determined, that no argument or diſputation is to be maintained with thoſe that will denie Principles, which by reaſon and common conſent are indiſputable, and ſtand of their owne authoritie: for by an vndoubted Principle or Axiome we know, That the whole is bigger than his part, that two is more than one, and that two equall things being equally diuided into a third, are all equall.

Principles or Axiomes what they are &c.

The knowledge of the premiſſes is ſo naturally and viſibly engraffed in the mind of man, as no doubt can be admitted: neuertheleſſe there are men ſo intoxicated in their iudgements, that being once poſſeſſed of an imaginarie conceit, they will neuer be remoued; as he was who asked of his friend, What he ſhould do with a heape of ſtones and traſh to be rid of it? and was anſwered, That he ſhould digge a hole in the ground and burie them; and when the other demanded of him, what he ſhould do with the earth he ſhould dig out? he told him he ſhould make the hole ſo much bigger to put them in both, and he could neuer be recalled from this conceit, euen in naturall and ſubſtantiall things to be felt, ſeene, and handled; inſomuch that experience ſheweth, that digging an hole, one ſhall hardly put in the ſame earth againe, without cramming and labour, much leſſe the other.

The Pithagorians doctrine lately reuiued by *Copernicus*, touching the ſcituation and mouing of the bodies Cœleſtiall, denying the ſtabilitie of the earth, may in ſome meaſure be admitted *argumentandi gratia*; for they ſet forth ſome Aſtronomicall demonſtration, albeit imaginarie, and declare ſome reaſons agreeable to experience, namely that the Orbe of the fixed Starres is of all other the moſt higheſt and fartheſt diſtant, and comprehendeth the other Spheres of wandring Starres. And of the ſtraying bodies called Planets, the old Phyloſophers thought it a good ground in Reaſon, that the nigheſt to the Center ſhould ſwiftlieſt moue, becauſe the Circle was leaſt, and thereby the ſooner ouerpaſſed, and the farther diſtant, the more ſlowly: and vpon this conſideration, becauſe of the ſwift courſe of the Moone, they did conclude, that the whole Globe of

*Copernicus* his opinion of the motion of the earth.

Elements was incloſed within the Moones Sphere, together with the earth as the Center of the ſame, to be by this great Orbe, together with the other Planets about the Sunne turned, making by his reuolution one yeare; and whatſoeuer ſeemeth to vs to proceed by the mouing of the Sunne, the ſame to proceed indeed by the reuolution of the earth, the Sunne ſtill remaining fixed and immoueable in the middeſt. But *Ariſtotle* his reaſons are generally approued, to proue the earths ſtabilitie in the middle or lower part of the world, becauſe of grauitie and leuitie, the earth being (of all other Elements) moſt heauie, and all ponderous things are caried vnto it, ſtriuing (as it were) to ſway downe, euen to the inmoſt part thereof, with many other reaſons made diſputable by ſome, becauſe the Planets and Starres are farre aboue vs. But to denie the Principle of Exchange and Money as aforeſaid, may be refuted and proued to be ſo plaine an error, as we ſee the hand or *Index* of a dyall to be the thing actiue, which ſheweth the houre, and the letters are things paſſiue and immoueable in the action; and ſo are Commodities in the courſe of trafficke, where Exchange is vſed.

*Ariſtotle* of the ſtabilitie of the earth.

Right merchants are taken to be wiſe in their profeſſion, for their owne good and benefit of the common-wealth; for of the ſix members of all the gouernments of monarchies and common-weales, they are the principal inſtruments to increaſe or decreaſe the wealth thereof; as may appeare by the deſcription of the following royall banket of Great Britaine. The king of Great Britaine conſidering that all common-weales are furniſhed with *Diuine ſeruice*, *Armes*, *Laws*, *Riches*, *Arts*, and *Suſtenance*, & that the managing of theſe ſix things requireth ſix maner of perſons, namely, Clergie-men, Noble-men, Magiſtrates, Merchants, Artificers, & Husband-men (which iointly are the members of all common-weales) was graciouſly diſpoſed to inuite them all vnto a royall banket, where (after many pleaſing diſcourſes concerning hunting, and hauing proued by many examples, that the moſt renowned princes delighting in that royall ſport, haue alwaies beene the beſt wariers) his Maieſtie was pleaſed, that euerie member of his common-wealth as aforeſaid, ſhould in one onely word expreſſe the propertie of his profeſſion or calling; whereupon the Clergie-men did ſay, *we inſtruct*; the Noblemen, *we fight*; the Magiſtrates, *we defend*; the Merchants, *we inrich*; the Artificers, *we furniſh*; and the Husband-men, *we feed*. The king anſwering, vſed theſe or the like ſpeeches: We do verie well approue your declarations in this briefe manner, recommending euerie one of you to diſcharge your duetie accordingly, with a remembrance, that we (as your head) muſt make the bodie of the common-wealth compleate: for the office of a king towards his ſubiects, doth very well agree with the office of the head, and all the members thereof. For from the head (being the ſeate of judgement) proceedeth the care and prouidence of guiding, and preuenting all euill that may come to the bodie

The royal banket of Great Britaine.

Compariſon and propertie of the bodie to the head, ſo betweene the king and his ſubiects.

or

or any part thereof, the head cares for the bodie, ſo doth the king for his people: and euen as all diſcourſes and directions flow from the head, and the execution of them belongeth to the members, euerie one according to their office; ſo is it betweene a wiſe prince and his people. And as the head by true iudgement may imploy the members in their ſeuerall offices being thereunto ſufficient, or being defectiue may cut them off, rather than to ſuffer infection to the reſt: euen ſo is it betwixt the king and his people, for as there is alwaies hope of curing any diſeaſed member by direction of the head, ſo long as it is whole; and by the contrarie, if it be troubled, all members are partakers of that trouble; ſo is it betweene the king and his ſubiects, who is therefore called *Parens patriæ*, who like a father of the great familie of the common-wealth, doth ſtudie for the welfare thereof. *Parens patriæ.*

The Lord Chancellor making a generall anſwere, did acknowledge his maieſtie to be the right and ſupreame head, without which the bodie was to be eſteemed as a dead trunke, for ſaid he, the royal Scepter of a Monarchie, guided with good and wholeſome lawes, doth far exceed all other gouernments, which properly are called *Ariſtocracies & Democracies.* *Ariſtocratia. Democratia.*

*Ariſtocracie* is the gouernment of the leſſe number of people of a common-wealth in ſoueraingtie, and *Democracie* (being contrarie vnto it) is the greater number of people gouerning. Whereas a monarchie is a common-wealth where one ſole prince hath the abſolute gouernment, heere the peace, vnitie, concord, and tranquilitie of ſubiects conſiſteth by meanes of one head, by whoſe power common-weales are fortified, vertue thereby being vnited and more corroborated, than if it were diſperſed into many parts, which giue occaſion of ſtrifes, turmoiles, and controuerſies by the diuided powers and emulation of greatneſſe: when as one perſon (imitating nature) doth gouerne (as the head) all the parts and members of the bodie, for the generall ſafegard and weal publicke. Monarchie the beſt gouernment.

Hereupon replication being made by the King; fault was found of the generall dearth of all things within his Realme, without any ſcarſitie of the ſaid things ſeruing for the backe and belly, which wee doe attribute vnto you Husbandmen, ſaid the King, for food is deare, and yet there is no dearth. The Husbandmen did excuſe themſelues, and laid the fault vpon the Noblemen and Gentlemen for raiſing of their rents, taking of Farmes into their hands, and making of Encloſures. Noblemen and Gentlemen did impoſe the cauſe vpon Merchants and Artificers for ſelling things dearer than in times paſt, which cauſed euery man to make the moſt of his owne, according to his profeſſion; wherein the Artificers were eaſily diſpenſed withall, conſidering their labours, and Workemens wages, buying alſo al things dearer. So that the fault did wholly remain vpon the Merchants, who haue the ſole diſpoſing of all Commodities exported and imported for the good or hurt of the Commonwealth; Food deere and no dearth

which cauſed the King to enter into conſideration of the aforeſaid three Eſſentiall Parts of Trafficke, namely, Commodities, Money, and Exchange for Money by Bills of Exchange.

And ingeniouſly perceiuing, that the vitall ſpirit of trafficke did conſiſt in the matter of exchange for monyes, becauſe the ſame is the publike meaſure betweene Nation and Nations, and that gaine was the radicall moiſture of commerce, which had his effectuall power in Exchanges: his Maieſtie thought good to call diuers Merchants to the conſultation of this buſineſſe (being within their element) to heare their opinion how to remedy the ſaid inconuenience.

Three manner of Merchants.

Whereupon his Highneſſe obſerued three manner of Merchants: The firſt (which were the greateſt number) were ignorant of the fundamentall reaſons of Exchanges, and being carried with the ſtreame, neuer tooke notice of it, but were guided therein by ignorant Brokers of Exchanges, according to the rule of forraine Nations. The ſecond ſort of Merchants, were thoſe that did altogether practiſe to make a benefit by Exchanges and Tranſportations of Monies, and neuer did deale in Commodities at home or beyond the Seas, and theſe would not confeſſe that there was any abuſe committed by exchange. The third ſort of Merchants (being the ſmalleſt number) were men of wiſedome and experience, and yet they found the matter of Exchange to bee a myſterie, vntill examination of the properties thereof, and then (like good Patriots) they tooke a care for the welfare of the Common-wealth. The firſt ſort, he did not regard becauſe of their ignorance: The ſocond ſort he did compare vnto Vinteners, who are not fit to be called to be Aſſiſtants in making of Lawes againſt drunkenneſſe, and ſo reiected them: But the third ſort hee did imbrace as worthie Counſellors to reforme abuſes; and ſome of theſe were of opinion, that by reaſon of the Baſe Money coyned in the latter end of the reign of King *Henry* the 8, al the forrain commodities were ſold deerer, which made afterwards the Commodities of the Realme to riſe at the Farmers and Tenants hands, and that the ſame was made deerer through plenty of Money and Bullion, which came from the Weſt Indies; and eſpecially, becauſe an ounce of Siluer was inhaunced by the ſaid King, from fortie pence, to fortie fiue pence, and afterwards in proceſſe of time was valued at threeſcore pence, and that the operation of the ſaid alteration doth ſtill continue. Others ſaid, that the prizes of things being riſen, was of no great moment, becauſe it was by denomination, and not really; for that which was called fortie before, was now termed threeſcore, according to the coynes of Siluer valued by the ounce, as aforeſaid. But the wiſer ſort did goe further, and comparing the prizes riſen of forraine Commodities, farre more than the prizes of our home Commodities, they did acknowledge, that there was an ouer-ballancing of commodities, and found that the courſe of Exchange for Moneys was the efficient cauſe thereof: For they did obſerue, that as the elements are ioined by Symbolization, the aire to

Offenders vnfit to make Lawes.

Inhaunſing of Siluer altereth the price of things.

the

the fire by warmeneſſe, the water to the aire by moyſture, the earth to the water by coldneſſe; So is Exchange ioyned to Monyes, and Monys to Commodities by their proper qualities and effects, whereby it did appeare vnto them;

Firſt, that our Monie being vndervalued in Exchange, cauſeth the price of our home Commodities to be abated, and to bee ſold better cheape in forraine parts, and is alſo the cauſe that our Monyes are exported.

Secondly, the Monyes being tranſported, taketh away the liuely courſe of trafficke of our ſaid Commodities, and cauſeth young Merchants to runne by Exchanges vpon Billes to maintaine their Trade, paying great Intereſt for money, which they cannot take vp by their ſingle Bond, as they can doe by Bill, taking vp the ſame by Exchange without Sureties.

Thirdly, this cauſeth young Merchants and others to make raſh ſales of their Commodities beyond the Seas, to pay their Billes of Exchanges, whereby they ouerthrow the Markets of others, and make them ſell better cheape. So on the contrarie, the coynes being ouervalued in exchange, and alſo inhaunced beyond the Seas, cauſed the price of forraine Commodities to increaſe, more than our natiue Commodities; and our Merchants are compelled (of courſe) to make returne thereby, becauſe they cannot import thoſe ouervalued monyes, but to their exceeding great loſſe. And by exchange they find few Takers, vnleſſe it be our young Merchants, which doe conſume their eſtates by Exchanges, and Rechanges. For of the ſaid three Eſſentiall parts of Trafficke, we haue but the vſe of one (as they obſerued) which is the buying of forraine Commodities to make returnes, increaſing therein the conſumption of the ſaid wares, and not our owne monyes remaining hereby plentifull beyond the Seas; the rather for that Bills of debt are (as readie money) paſſing betweene man and man cauſeth with them a liuely courſe of Trade, whereby their Commodities are aduanced in price and ſale; neither are they compelled to ſell them but at their price, becauſe they find money at intereſt, at fiue and ſix in the hundreth.

Cauſes of the ouerballanceing of Commodities.

This plentie of money is daily increaſed by our Merchants trading Spaine and all others, who doe diuert the Royalls of Spaine from vs, becauſe of the inhaunſing of monyes beyond the Seas, where they haue 25 vpon the hundreth gaine, when with vs they make but 10 p cent.

This gaine is practiſed by exchange, and would otherwiſe bee but imaginarie, as ſhall be declared hereafter; whereby we ſhall find that the ſaid Exchange is ſtill predominant, and ouerruling the Monyes and Commodities.

CAHP.

## CHAP. VI.

### *A Geometricall Deſcription of the World, eſpecially of* EVROPE, *Meaſured by Millions of Acres of ground, vpon the Mappe.*

*The Meaſure is one Million, or ten hundreth thouſand Acres.*

THE Circumference of the roundneſſe of the whole Globe of the world, compoſed of Water and Earth, is accounted to bee 5400 Geometricall Miles, or 21600 ordinarie Miles. But whereas the Miles in all Kingdomes and Countries, and almoſt in euerie Prouince or Shire doe differ. I haue thought conuenient to admit one meaſure of one million of Acres of ground, to meaſure the whole Globe therby according to the Map, which is not only intelligible vnto al men; but al merchants alſo may haue vſe hereof. For by the number of the millions of Acres, comparing one Kingdome vnto another, or one Countrie vnto another Countrie, they may know the bigneſſe and ſpaciouſneſſe thereof, which we haue particularly obſerued in Europe, with a diſtinction alſo of the Dominion of Princes in theſe ſeuerall Countries knowne by the name, France, Italy, Germany and others, which manytimes falleth into conſideration vpon ſingular occaſions.

This Globe of the world, is diuided to be two third parts Water or Seas, and one third part Land: and of this Land there is one third part not inhabited, and the other two third parts are, as followeth.

The whole Circumference, by the aforeſaid meaſure is, 19, 803, 575000, which is 29 milliars, 803 millions, 575 thouſand Acres, and the milliar is tenne hundreth millions. So the $\frac{2}{3}$ part water is 19 milliars, 869 millions, and 50 thouſand acres of ground anſwerable: and the other part third is 9 milliars 934 millions, 525000 acres.

A Milliar is ten hundreth Millions.

Hereof deduct $\frac{1}{3}$ part not inhabited, which is 3 milliars, 311 millions, 508 thouſand acres; So reſt 6 milliars 623 millions 17 thouſand acres of land inhabited, whereof followeth a particular diſtribution.

*Firſt for Europe or Chriſtendome.*

England containeth 29 millions, 568 thouſand acres.

Scotland containeth 14 millions, 432 thouſand acres.

Ireland containeth 18 millions. So theſe three Kingdoms, with all their dominions of lands and Ilands adiacent, vnder the Diademe of King *Iames*, containe 62 millions of acres of ground, &c.

England

England is by this computation accordingly with the dominion of Wales, and all Islands thereunto belonging, the thousand part of the whole Globe, or the 222 part of the earth inhabited, or the 333 part of the whole earth; and Scotland may be full the one halfe of this computation, that is, the 444 part of the earth inhabited, or the 666 part of the whole earth: and the Monarchie of great Brittaine, and the Kingdome of Ireland is the 480 part of the whole Globe, vnneceſſarie fractions in cypher omitted.

The bodie of the Sunne is 166 times bigger than the whole Globe of the world, and ſo accordingly for the ſeas and earth, as aforeſaid.

*The 17 Prouinces of the Low-countries.*

Containe 10 millions, 797 thouſand acres, whereof

The reconciled prouinces with Spaine, containe 7 millions, 197 thouſand acres.

The vnited prouinces vnder the States containe 3 millions, 599 thouſand acres.

The Kingdome of France diuided into 32 prouinces containeth in all 82 millions, 879 thouſand acres.

The kingdomes of Spaine (being eight in number) containe as followeth.

| | m. | | m. |
|---|---|---|---|
| Caſtile | 25 Millions 730. | Leon galiſia | 9 millions 124 |
| Andaluſia | 2 millions 425 | Arragon | 13 millions 104 |
| Granado | 2 millions 128 | Biſcaye | 3 millions 412 |
| Nauarre | 1 million 458 | Portugal | 10 millions 154 |

In all containing 67 millions, 535 thouſand acres.

## ITALIA.

Vnder Spaine.

| | m. | | m. |
|---|---|---|---|
| Naples | 11 millions 704 | Sauoy | 1 million 910 |
| Lombardie | 1 million 640 | Piedmont | 1 million 160 |
| Vnder Venice. | | Toſcana &c. | 4 millions 785 |
| Treuiſana | 2 millions 584 | Suria and Florence | 480 |
| Verona | 0 millions 480 | Marca Ancona | 1 million 412 |
| Frioul | 1 million 047 | Parma | 0 millions 885 |
| Mantua | 0 millions 480 | Sicilia | 3 millions 113 |
| Vnder Rome. | | Cypres | 1 million 601 |
| Liguria | 1 million 415 | Candia | 2 millions 060 |
| Romagnia | 1 million 085 | Corſica | 1 million 395 |
| Latium | 0 millions 480 | Sardegna | 4 millions 089 |
| Hetruria | 0 millions 540 | | |

Containing in all 44 millions, 257 thouſand acres.

Germania.

## GERMANIA.

| | m. | | m. |
|---|---|---|---|
| Saxonia | 3 millions 484 | Sileſia | 5 millions 706 |
| Miſina | 3 millions 249 | Bohemia | 7 millions 024 |
| Turnigia | 1 million 093 | Auſtria | 6 millions 121 |
| Luſatia | 2 millions 572 | Morauia | 4 millions 114 |
| Bauaria | 3 millions 249 | Pomerania | 3 millions 249 |
| Helſatia | 3 millions 644 | Brandenbourgh | 6 millions 208 |
| Heluetia | 12 millions 328 | Machalbourgh | 2 millions 107 |
| Baſle | 0 millions 842 | Franconia | 6 millions 361 |
| Swebourgh | 2 millions 109 | Tiroll | 3 millions 249 |
| Salsbourgh | 1 million 063 | Carinthia | 1 million 588 |
| Trier, Ments, Spiers, Strasbourgh, and Wormes. | 4 mill. 237 | Stiria | 1 million 779 |
| | | Palantine Rhene | 4 millions 361 |
| | | Wirtenborgh | 1 million 223 |
| Iuliers | 0 millions 348 | Embden | 0 millions 230 |
| Cleaue | 0 millions 258 | Oldenbourgh | 0 millions 449 |
| Weſtphalia | 2 millions 300 | Liege | 0 millions 548 |
| Oſnab | 0 millions 358 | Cologne | 0 millions 215 |

Containing in all 95 millions, 646 thouſand acres.

Pruſſia — 10 millions 240 thouſand acres.

| | m. |
|---|---|
| Ruſſia | 9 millions 607 |
| Volhimia | 5 millions 762 |
| Maſſouia | 1 million 916 |
| Liuonia | 34 millions 115 |
| Poland | 19 millions 205 |

m.

Heretofore named Polonia, containing in all 80 millions 845.

## DENMARKE.

| | m. |
|---|---|
| Denmarke | 10 millions 426 |
| Norway | 28 millions 492 |
| Holſten | 1 million 065 |
| Ditinars | 0 million 337 |

Containing in all 40 millions, 326 thouſand acres.

## SVVETHEN.

| | | |
|---|---|---|
| Sweathen | 57 millions | 430 thouſand acres. |
| Finland | 7 millions | 531 thouſand. |
| Gothia | 20 millions | 936 thouſand. |

Containing in all 85 millions, 897 thouſand acres.

Part of Russiia or Moscouia and Situam vnder Europe, 232 millions 558 thousand acres: so that whole Europe or Christendome doth but containe 802 millions 740 thousand acres, which is not the 12 part of the whole earth. EVROPE.

m.

Hungarie, Dalmatia, Transyluania, and all Turkie 385 mill. 367.
Moscouiæ Pars 128 millions, 817 thousand acres.
Tartaria 299 millions, 110 thousand.
Persia 385 millions, 367 thousand.
Calicut and East-India 587 millions, 200 thousand acres. } ASIA.

Africa containeth 1541 millions, 883 thousand acres. AFRICA.

America containeth 1152 millions, 400 thousand acres.
Noua Hispania 1349 millions, 133 thousand acres. } AMERICA.

Summa totalis *of the inhabited parts of the World, six Milliars, six hundreth and twentie three Millions, and seuen tenne thousand Acres of Land,* Vt supra.

THE vse of this description, to know the bigneſſe of one Countrey compared vnto another Countrey, is, for example: England containeth twentie nine Measures and odde, Bohemia containing seuen Meusures and odde, is the fourth part of England, or thereabouts.

The seuenteene Prouinces of the Low Countryes, being tenne Measures and odde, is the third part of England, or thereabouts.

The Monarchy of Great Brittaine, being fortie foure Measures and odd, is as big as all Italy, and the fiue Ilands of Sicilia, Cyprus, Candia, Corsica, and Sardignia, and is also more populous. And so for all other Countryes; insomuch that England onely containing twentie nine of those Measures, or Millions, 568 thousand Acres of ground; if wee deduct the fiue Millions, and 568 thousand Acres for wilde & waste grounds and High-wayes, there will remain foure and twentie Millions of Acres, which at one penny an Acre, amounteth to one hundreth thousand pounds, a matter little sensible.

One penny an Acre, is one hundred thousand pounds in England.

Here may *Microcosmos*, the little world Man, behold how little the great world is, which is made for him as a Tabernacle, where hee hath no abiding place, but trauelleth as a Pilgrime towards the Cœlestiall habitation, with a thankefull mind and remembrance of the mercie of God, who hath beene mindfull of the Sonne of Man, and made him lower than the Angels, to crowne him with glory and worship, *Psal.* 8. Thus much I thought to demonstrate vnto Christian Merchants touching the world, before wee intreate of the commodities, whereby trafficke and commerce is by them and other Nations maintained, according to the ancient Verse:

*Currit Mercator ad Indos,*——as appeareth in the next Chapter.

CHAP.

## Chap. VII.

### *Of the Commodities of all Countries whereby commerce is mainetained.*

*Corporum tria sunt genera.*

Albeit that the aforesaid Doctors of the Ciuile Law haue declared that there be but three kind of bodies of things, namely,

1 *Quod continetur vno spiritu, vt homo, lapis &c.* which is contained of one spirit, as man and a stone, or such like.

2 *Quod ex pluribus inter se, coherentibus constat, vt edificium nauis &c.* which consisteth of many things ioyned together, as a building, a ship &c.

3 *Quod ex distantibus constat, vt corpora vno nomine subiecta, veluti populus, legio, grex, &c.* which cõsisteth of distant things, as many bodies vnder one name, a People, a Legion, a Flock, and the like. Yet this difinition is not compleat, concerning the bodie of trafficke and commerce, consisting of Bodie, Soule, and Spirit, namely Commodities, Mony, and exchange of Mony by Bills of Exchanges, as aforesaid, which are to be described in order. And because Commodities, like vnto the Bodie, vpheld the world at the first by way of commutation and bartering of them according to necessitie and vsefulnesse: Therefore may it bee thought conuenient to set downe in this place, the particular commodities of all Countries, and (of some of them) their values and estimation, by meanes whereof Trafficke and Trade is established and maintained, that thereupon wee may proceed accordingly.

Verely in the estate of Innocency all things were common; but alas this communitie of things indured but a while, and now by reason of our naturall corruption, and proneneſse to wrong one another, there is an absolute necessitie of proprietie and seuerall possession, which is consonant to the Law of God, as well as founded vpon the Law of man, and consent of Nations; it being the voyce of secondarie Nature: This is my house, this is my towne, and this is my seruant, &c. whereby *Meum & Tuum* is distinguished.

The reuocation of this communion of things, is the nerues and bond of humane Societie, and the mother of labour and diligence. Who would Till the ground if he hoped not to taste of the crop of it? Surely all would be waste and desolate, if men were to plant and build

build for euery body, that is no body. Wee ſee by experience, that the ſtrongeſt would depriue others of the vſe of things, vnleſſe the law did interpoſe her authoritie, which is two fold, namely *Paterna & Politica* effected by the fathers of families, and magiſtrates. And herein is no other equalitie to be found concerning things, but a mutuall voluntarie eſtimation of them according to the vſe and behoofe of the ſaid things. And the prouerbe is true, That goods held in common, are (as it were) no bodies goods, and not manured as they ought to be, whereupon *Plato* in his ſecond Common-wealth (vpon better conſideration) did reuoke his former opinion of the communitie of goods, and vſed to ſay, That no man was a gayner but another became a looſer, which had an ouer great regard to the propertie of goods, and if there were no propertie of goods, all trafficke would ceaſe.

Neuertheleſſe, the Equalitie and Equitie in the courſe of Commerce muſt be obſerued, to auoid the ouerballancing of commodities, as in the precedent Chapter is mentioned, which requireth a third conſideration of an other kind of equalitie. For as we haue noted with *Ariſtotle*, Riches is either Naturall, or Artificiall.

The Naturall riches, as Lands, Vines, Forreſts, Meddowes, and the like.

The Artificiall, as Money, Gold, Siluer, Cloth, and all other Manufactures and houſhold Stuffe.

Now as this Artificiall riches is proceeding of the Naturall riches, and that both theſe doe receiue their price and eſtimation by money: So reaſon requireth a certaine equalitie betweene them, which wee find to bee defectiue, which is concerning the price of lands.

To prooue our Aſſertion, wee can hardly make this inequalitie appeare, albeit wee doe find the want of the treaſure tranſported from vs into the parts beyond the Seas. For it befalleth vnto vs concerning monyes and wealth, as it doth to a Generall of a Campe of ten thouſand ſuppoſed armed men, whereof muſter being taken at ſeuerall times, and vpon ſeuerall dayes, all of them are found to bee armed, becauſe they lend their Armour to each other: whereas, if they were all muſtred in a day, and at one inſtant, a great part of them would bee found to want Armour. So the like want of monyes and wealth would be found if rich men were examined, for their perſonall eſtates vpon any vrgent occaſion. And now let vs examine the commodities of all countries, beginning from the Eaſt and ending in the Weſt.

*Of the goodneſſe and value of Eaſt India Commodities.*

THe Merchants Trade for the Eaſt Indies, tooke beginning in England, in the yeare 1600; At which time Spices and all other Commodities were bought for the prices hereafter declared, tranſlated

ſlated out of the Portugall tongue, with my additions and obſeruations concerning the goodneſſe of thoſe Commodities.

**Cloues.** *Cloues* growing in the Ilands of Moluccos, being cleane of Stalkes, **Fuſſes.** by the Portugal called Fuſties, were ſold for fiftie Pardaos the Kintal or the 100 weight of 112 ℔ correſpondent with our London quintal, or hundreth, accounting the Pardao or Ducatt at 5 ß, is about 27 pence the pound. There is another leaner and drier ſort of Cloues, called *Cravo di Baſtao*, which is ſold for 25 ducatts, which the Portugalls doe mingle many times: the difference is halfe in halfe in price, and the pound at 13 ½ pence.

**Mace.** Mace, being of a faire colour and large, which groweth vpon the Nutmegs, and is had alſo in the Iland of Bantan, was ſold for 74 Ducatts the hundreth, which is 40 pence ſtarling the pound.

**Nutmegs.** Nutmegs in the ſaid places were ſold for 15 Ducatts, is 75 ß, the hundreth, and the pound weight eight pence ſtarling.

**Ginger.** Ginger, being dry, from Calicout, called Belledin, or aſhe colour Ginger, at 9 Ducats the hundreth, is 45 ß, and the pound at 5 pence or thereabouts.

There is an inferiour ſort called *Mechino*, of ſix Ducatts the Quintall.

Ginger in conſerue, at 13 ½ Ducatts, is about 7 ½ pence the pound.

**Sinamon.** Sinamon of Zeilan, growing in that Iland, was ſold at thirtie fiue Ducatts, and the Sinamon of Malabar, called *De mato*, for ten Ducatts, whereby the pound of the beſt is about 19 pence, and the other about 6 d.

**Pepper.** Pepper of Calicut, Malabar, and the Iland of Sumatra, at 10 Ducatts the hundreth, bought by the baſer of foure Quintalls, commeth to 6 d. the pound

**Long Pepper.** Long Pepper was ſold at 25 Ducatts the hundreth, is the pound 15 pence.

**Benjoin.** Benjoin de Boninas at 55 Ducatts, and the other ſort of Caregaſan at 48 Ducatts, is the pound at 2 ß 5 pence, and 2 ß 2 d. or thereabouts.

**Campheir.** Campheir of China was ſold at 40 Ducatts, is 10 ℔, and the pound about 22 d.

**Indico.** Indico of the better ſort, called Carquez, 40 Ducatts, and the common ſort of Aldcas 30 Ducatts, and the richer ſort of Aldcas, 70 Ducatts the hundreth, which is the pound 22 d. 18 d. and 3 ß or thereabouts. This rich Indico is as good as that of the Weſt Indies of Guatimalo, and better than (Laurea alias Lahora) comming from the ſaid Weſt Indies, whereof there was wont to come another ſort, called Indico Campeche, which was an extraction of Logwood, being ouerlight and frothie without ſubſtance, which did ſwimme vpon the water, whereby this manner of triall is vncertaine, and onely the Cowpe muſt find the goodneſſe of Indico by the working of it.

**Weſt Indies Indico.**

**Vncertaine Trade for Indico.**

Commodities

*Commodities sold by a weight called Man of 24 ℔ weight.*

China Silke 76 Ducatts. Silke in pieces 86 Ducatts. Silke of Lancan 40 Ducatts. Silke of the Eagle, the best 35, and the common 26 Ducatts. Silkes.

Lacre or Hard-Wax, sixteene Ducatts the Man. Soft-Wax, foure Ducatts. Hard-Wax.

*Commodities sold by the Bar of 15 Roones or Arrobas of 28 ℔.*

White Sandalo, the 20 pieces, 160 Ducatts. Red Sandall wood, fiftie Ducatts. Wood of China.

China Wood 180 Ducatts, Ebony Wood 200 Ducatts.

*Commodities which are sold by the Ounce.*

Ambre greis 13 Ducatts, is 65 ß. Blacke Ambre 3 Ducatts, or 15 ß the ounce. Ambre.

Muske in Coads at 2 ½ Ducatts or 12 ß 6 pence the ounce. Muske.

Bezar Stones are sold according to their bigneſſe more or leſſe. Beſſaar stones.

*Commodities sold by the score of twentie pieces, as Calico Cloth, &c.*

CAlico Cloth of the places following, called by ſeuerall names. Calico cloth of diuers places.

Canequins fine of Cambaya 60 Ducatts, is 3 Ducatts, or 15 ß the piece.

Canequins ordinary of the ſame place, 40 ducats is 10 ß the piece.

Teadas 20 Ducatts, is 5 ß the piece. Dotins, 25 Ducatts. Bançais tenne, &c.

Cotonias for Friars, twentie foure Ducatts: and ordinarie at twentie Ducatts.

Calico Cloth Doſinde, called Iourins fine 70, and ordinarie 45 Ducatts.

Calico Cloth of the coaſt of Canaor, called Beatillas, fine 26 Ducatts, and the ordinarie 20 Ducatts. Pacharins 25, and Berames 30 Ducatts.

Calico Cloth of Vengala, of two places, called Caſſas fine, 100 Ducats, the ordinary Caſſas 70 Ducatts, Soto pazes, 25 Ducatts, and Beatillas 100 Ducatts.

Chautarcs fine 40 ducatts ordinaries 25, and caſſas of 60 ducats.

Calico Lawne made of Nettles ¼ broad, and eighteene yeards long, is of diuers ſorts from threeſcore Ducatts to one hundreth twentie and aboue. Calico Lawne.

All kind of Druggs differing much in goodneſſe, muſt bee bought accordingly, as Mirabolanes, called Emblici, Belirici, Citrici, and Indij. Druggs.

Tamarinds, Calamus, Aromaticus, Spicanardi, Oppium, Caſſia, Mirrhe inanſe, Aloes Cicatrini, & Tutia, Rheubarbe, and the like; Lignum Aloes, Saunders, Borax or Atincall, and many other commodities.

All which Spices and Druggs are to bee Garbled, for the better and wholſome vſe of man, for as liquid things in Na-

ture, become soure; so drie things become bitter in nature, where-

The office of Garblership. *Anno* 1309. vpon the Garbellers office was established and granted, first in England by King *Edward* the second, vnto some sufficient persons, at the suit of the Pepperers, now called Grocers of London, which is, in effect to separate the good from the bad, or pure things from the impure, putting them vp euery one accordingly vnder certaine Seales.

### *Of the weight, goodnesse, and values of Pearles and Precious Stones.*

PEarles and Diamonds, are bought and sold by the Carrat weight made for that purpose. For whereas Gold is sold by the Carrat of 24 to an ounce, accounting two Carrats for one ounce of Siluer,

Difference of Carrats weights. whereof 12 ounces make the pound weight Troy. This Carrat weight for Pearles and Diamonds is farre lesser, for the 150 Carrats make but one ounce, so that one Carrat of Gold weight weigheth $6\frac{1}{4}$ part of a Carrat of Diamond weight, and the like for Pearles, whereof there is a Measure for Round Pearle made correspondent thereunto, which is also diuided into 4 graines, as the Troy weight is, which graines are of lesse proportion of $6\frac{1}{4}$ to one, and the diuisions of small weights are made in $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{8}$ and $\frac{1}{6}$ part, albeit the Troy graines are most commonly vsed, without this obseruation.

India weight. Diamonds are bought in the East Indies, by a weight called Mangear or Mangelin, weighing two Tare $\frac{2}{3}$, which $\frac{2}{3}$ of a Carrat, for 4 Tares weigh a Fanan, which is aboue 2 Carrets.

Rubies are bought by the Fanan, and $11\frac{1}{4}$ Fanans make one Mitigall, and $6\frac{1}{2}$ of them make an ounce. But of late yeares, Diamonds, Rubies and Saphires, are bought and sold by the Carrat weight.

Diamonds the most perfect, called Nayse, are found in the Kingdome of Decan and Narsinga, and the Iland of Ziclan, which, as (I say) are sold by the Mangelin, at so many Pardaos, or Ducatts of 360 Reis, or 9 Royalls of Portugall; but accounting the Fanan at six pence, and tenne Fanans for the said Ducatt, then the Pardao is fiue shillings starling.

The Nayse Diamonds are pointed on both sides, and they doe grow vpon the Flat Diamonds, which are in the superficies of the Bourt of Diamonds, and are impure, commonly beaten therefore into powder for the vse of the other Diamonds, that are cut and polished by the Millne. The Flat Diamonds are alwayes valued one third part lesse in price, than the Nayse are, so long as they be vncut; but being cut, are of more or lesse estimation according to their fashion. Some are faire Triangles, others Flower de Luces, Roses, Harts, Columes, Demy Crosses, or other fashions of Poly Angles, and proportions seruing for the members or parts of the bodies of things to bee made into many workes and Iewels, as the Iewellers will apply the same, cut with many Fassets or Squares: But the thicke Stones are more certainely knowne by their weight, hauing their Bisallyes compleat either in Tables or Points wanting

ting no corners or due proportion, without ſpots or ſands, burbles, flawes and vaines, which ſometimes (although it be in little ſtones) maketh them run 3 and 4 daies vpon the milne, ſpending much time and labour to poliſh them. It is almoſt 40 yeares ſince I did maintaine diuers milnes and cutters of Diamonds, whereby experience made proofe vnto me of theſe things, which are verie conſiderable. For the water of Diamonds is alſo chiefly ſeene in the cutting and poliſhing of Diamonds, ſome being a yellow water, other greeniſh, other browniſh: but the difference is almoſt all alike, if they be of one rocke, that is to ſay, they are like in the parcels as they ſell them. The beſt waters are whitiſh, inclining to the blew, which maketh the beſt illuſtration and play, as ſome call it, which ſometimes will be found to be admirable in a thinne ſtone, or feables, as the Portugalls call them: but the faſſets muſt be induſtriouſly wrought, which in great ſtones of 10 or 12 Carrats maketh them to be Paragons, that is to ſay, in all perfection, and being *Piedras de mueſtra*, or ſtones of ſhew, will be ſold by eſtimation, as the loue and fancie of a man will carrie the ſame.

Properties of good Diamonds.

Paragon Diamonds.

In times paſt all Diamonds aboue 4 Carrats, rough or vnwrought, were the kings, in the places where they were found; which is the cauſe that concerning the values of Diamonds of aboue 4 Carrats cut, no proportion in price is made certaine betweene Iewellers, but is left to eſtimation according to the aboueſaid properties.

Small Diamonds haue ſome proportionable price, riſing and falling accordingly, which were ſet downe at Paris in France, during the raigne of the French king *Henrie* the fourth, by the Iewellers there, as followeth.

*Crownes of 6 ß euerie Carrat.*

Of 10 ſtones a Car.—5.
Of 9 to a Carrat——5 ½
Of 8 ½ to a Carrat—6
Of 7 ½ to a Carrat—7
Of 7 to a Carrat——7 ½
Of 6 ½ to a Car.——8
Of 6 to a Car.——8 ¼
Of 5 ½ to a Car.——8 ½
Of 5 to a Car.——8 ¾
Of 4 ½ to a Car.——9
Of 4 to a Car.——9 ¼
Of 3 ½ to a Car.——9 ¾
Of 3 to a Car.——10 ¼
Of 2 ½ to a Car.——11
Of 2 to a Car.——12
Of 2 ¼ gr. the peece 12 ½
Of 2 ½ gr. the peece 13
Of 2 ¾ gr. the peece 14 ½ crowns the Car.
Of 3 Graines——16 ½ the Carrat.
Of 3 ¼ Graines——17
Of 3 ¾ Graines——18 ½
Of 1 Car. the peece 19
Of 4 ¼ Graines——19 ½
Of 4 ½ Graines——20
Of 4 ¾ Graines——21
Of 5 Graines——22
Of 6 Graines——24
Of 7 Graines——26
Of 8 Graines——30
Of 9 Graines——34
Of 10 Graines——40
Of 11 Graines——45
Of 12 Graines——50
Of 16 or 4 Carrats 60

Rough Diamonds called Bruits.

By this estimat it appeareth that a Diamond of 4 Carrats brute or vncut, is set downe 60 French crownes, which is 18 ℔ sterling: for it is vncertaine what may be diminished of the weight by the workemanship of it. So that in the Stones cut and polished there is more certaintie; whereof the price was likewise proportionably set down as followeth.

Diamonds cut and polished.

Of ½ a Graine—20 shillings ster.

| | | | |
|---|---|---|---|
| Of ¾ of a Graines | 25 | Of 1 ¼ Carrat | 40 0 0 |
| Of one Graine | 40 | Of 2 Carrats | 60 0 0 |
| Of 1 ¼ Graine | 50 | Of 3 Carrats | 100 0 0 |
| Of 1 ½ Graine | 60 | Of 4 Carrats | 200 0 0 |
| Of 1 ¾ Graine | 80 | | |
| Of 2 Graines | 100 | | |
| Of 2 ¼ Graines | 120 | | |
| Of 2 ½ Graines | 150 | | |
| Of 2 ¾ Graines | 9 ℔ 0 0 | | |
| Of 3 Graines | 12 0 0 | | |
| Of 3 ¼ Graines | 16 0 0 | | |
| Of 3 ½ Graines | 20 0 0 | | |
| Of 3 ¾ Graines | 24 0 0 | | |
| Of 4 Gr. or one Carrat | 30 0 0 | | |
| Of one Carrat ¼ | 33 0 0 | | |
| Of 1 ½ Carrats | 36 0 0 | | |

All which prices may alter from time to time according to the vse of precious Stones, vpon accidentall causes of the mariages, of Princes and great personages, to be done proportionably. As if the Diamond of a Carrat should rise 20 in the hundreth, then all the other sorts accordingly; and so also in the falling of the price by greater quantities.

Diamonds of yellow water (which giue lustre extraordinarily by candle-light) are more in request in Germanie and some places in Italie, where the browne Diamonds are also desired. But in England & France they are worth ⅓ part lesse (which is according to the aboue said prices that Diamonds are now worth with vs also.) The Diamond of a full Carrat being a perfect Table, and yellow, is worth 20 ℔ sterling.

The pointed Diamonds, which (in regard of their natural proportion, hauing lesse waste in the cutting) heretofore sold better cheape than the Table Diamonds, are now deerer and more esteemed.

Brute Diamonds at Lixborne.

About this time of the aboue said estimation, these Diamonds of the Sortes following, were bought rough or brute at Lixborne.

| | | | ℔. s. d. |
|---|---|---|---|
| Of 10 peeces to a Carrat | 1000 reis | or | 0 12 6 the Carrat. |
| Of 9 to a Carrat | 1200 reis | | 0 15 0 |
| Of 8 to a Carrat | 1400 reis | | 0 17 6 |
| Of 7 to a Carrat | 1600 reis | | 1 0 0 |
| Of 6 to a Carrat | 1800 reis | | 1 2 6 |
| Of 5 to a Carrat | 2000 reis | | 1 5 0 |
| Of 4 to a Carrat | 2400 reis | | 1 10 0 |
| Of 3 to a Carrat | 3200 reis | | 2 0 0 |
| Of 2 to a Carrat | 4000 reis | | 2 10 0 |

Of

Of one Carrat nayfe——6000 reis——3 15 0
Of one Carrat flat ſtones—5000 reis——3 2 6

The cutting of them was 10 and 12 ß for euerie Carrat in thoſe daies.

There is a rule for cut Diamonds aboue 5 Carrat. To multiplie the weight of them within it ſelfe, and then by the price of one Carrat to value the ſame, as in the margent appeareth by the ſaid rule, after 25 ℔ the Carrat.

A Diamond of 10 Carrats is 10 times 10: which is 100, ſo at 25 pound a Carrat, is worth 2500 pounds.

Rubies are found for the moſt part in a riuer called Pegu, being of the beſt kind and fineſt, and are called *Nuncuplo*, of a high colour without any ſpots, and cleane, alſo the hardeſt and coldeſt vpon the tongue as the Indians ſay. Rubies.

They are ſold by the Corcia or ſcore, of 20 peeces, by a weight called Fanan. The Rubie of one Fanan for 10 Pardaos or Ducatrs, is 50 ß ſter. If they be not perfect, the price muſt be conſidered, as in the Iſland of Zeilan, where great quantities are found of a fleſhie colour, eſteemed but ; in value, called by the the Indians *Manecas*, which being mundified by the fire are made Carbuncles. Carbuncles.

There is alſo found in Pegu, another kind called Spinella with vs, and by them *Caropus*, eſteemed at half the value of Rubies. And in the like eſtimation were another kind found in Balaſſia and ſo called, much like vnto the colour of a roſe. Spinella. Balaſſia.

Saphires in the Iſland of Zeilan, the hardeſt are beſt, and of azure colour. Saphiers.

Topaſies in the ſame Iſland, of colour like beaten gold, the hardeſt are beſt, and were ſold for their weight in gold in times paſt. Topaſies.

Turqueſes found in Malabar, being of Turquers colour by the day time, and by night by the light greene: they grow vpon a blacke ſtone, whereof thoſe retaining ſome little blacke veines, are the better. Turqueſes.

Iacinths (in the Iſland of Zeilan) are tender yellow ſtones, and haue commonly pimples or burbles in them. Iacinths.

Emeralds or Smaragds (being hard and greene ſtones, found in the countrie of Babylon, and other places of India) were of great eſtimation before the quantitie diſcouered in the Weſt-Indies, many of them are counterfeit: But by looking on them curiouſly towards the light, the counterfeitneſſe appeareth by certaine burbles, like as the glaſſe doth; which is not in the true ſtones, although certaine beames appeare, which true ſtones being rubbed on the touchſtone, leaue the colour of gold, and the counterfeit the colour of copper, for they are made of an extraction of copper. Emeralds.

The auncient Phyloſophers haue determined that Sulphur and Mercurie (being the originalls of all mettals) are engendered of vapours and exhalations, and the like origen they aſcribe vnto all Precious Stones: which cauſed Artiſts to take the ſame into their conſideration both for the ſaid Stones, as alſo for Gold and Siluer, Originall of precious ſtones.

whereof I do intreat more in the Chapter of Mines Royall &c.

All theſe ſtones being out of requeſt with vs, are to be bought for Ruſſia and other places, as the buyer findeth cauſe.

**East-India Pearles.**

Pearles of all ſorts are moſt found in the Weſt-Indies, which are Occidentall, and yet beare the name of Orientall Pearles which come from the East-Indies, and although they haue more luſtre, they are of a browniſh colour, and ſomewhat inclining to the yellow, and therefore of leſſe eſtimation and price, which at the beginning of our East-India trade was as followeth.

| | ℔. | s. | d. | |
|---|---|---|---|---|
| Of one Carrat—1 ½ Pardaos is— | 0 | 7 | 6 | Sterling. |
| Of 1 ½ Carrat—3 Par.— | 0 | 15 | 0 | |
| Of 2 Carrats—6 Par.— | 1 | 10 | 0 | Aliofar, which is |
| Of 2 ½ Carrats—8— | 2 | 0 | 0 | ſmall Pearle ſold by |
| Of 3 Carrats—12— | 3 | 0 | 0 | the Iuera, or Sorts |
| Of 3 ½ Carrats—16— | 4 | 0 | 0 | which commeth frō |
| Of 4 Carrats—20— | 5 | 0 | 0 | the fiſhing of Co- |
| Of 4 ½ Carrats—25— | 6 | 5 | 0 | morin, worth |
| Of 5 Carrats—30— | 7 | 10 | 0 | |
| Of 5 ½ Carrats—35— | 8 | 15 | 0 | The 1 Iuera 330 reis |
| Of 6 Carrats—40— | 10 | 0 | 0 | The ſecond—180 |
| Of 6 ½ Carrats—45— | 11 | 5 | 0 | The third—80 |
| Of 7 Carrats—50— | 12 | 10 | 0 | The fourth—18 |
| Of 7 ½ Carrats—60— | 15 | 0 | 0 | The fifth—8 |
| Of 8 Carrats—70 & 80— | 20 | 0 | 0 | |

**Weſt-India Pearles. *Anno* 1587.**

And aboue this weight there is no proportion obſerued, but it is meere eſtimation, as is noted in Diamonds, eſpecially in the Weſt-India Pearles, being of a clearer white water inclining towards blew, whereof I bought a great quantitie of ſir *Francis Drake* knight, which he brought from Carthagena, a citie of the Iſland of Santo Domingo, being all vnholed and brute, of ſeuerall ſorts, called *Roſtillo* of 40 ß, the ounce, halfe *Roſtillo* of 30 ß, *Cadenilla* of 4 ℔ the ounce, halfe *Cadenilla* 3 ℔, *Pedraria* of 60 & 80 peeces in the ounce 7 ℔, and halfe *Pedraria* of 100 to 110 peeces in the ounce 5 ℔. Alſo great vnproportionated Pearles called *Barocos*, according to eſtimation and goodneſſe, as theſe prices were made at Paris, and when they are holed or boared and ſtringed vp in foure ſorts, called *Entreneto*, and put into boxes, then they are ſold one with another according to their ſorts, for 4 or 5 ℔ the ounce: diuers flat Pearles ſeruing for buttons, put vpon papers are ſold by the peece according to their bigneſſe and faireneſſe. Seed Pearle to ſtampe for Apothecaries at 8 and 10 ß the ounce.

**Round Pearle**

Round Pearles of all ſorts of this water, valued at Paris as followeth.

| | | | | | |
|---|---|---|---|---|---|
| | | ß. | | | ß. |
| Of ½ a Graine | 2 Solz tornois | 2 d ⅔ ſtar. | Of 3 ¼ Graines | 50 ſolz | 5 |
| Of ¾ Graines | 2 ½ | 2 d ⅔ | Of 3 ½ Graines | 60 | 6 |
| Of 1 Graine | 4 | 4 d ⅔ | Of 3 ¾ Graines | 70 | 7 |
| Of 1 ¼ Graine | 6 | 7 d ⅓ | Of 4 Gr. Carrat | 80 | 8 |
| Of 1 ½ Graine | 10 | 12 d | Of 4 ¼ Graines | 90 | 9 |
| Of 1 ¾ Graine | 13 is | 15 d ½ | Of 4 ½ Graines | 100 | 10 |
| Of 2 Graines | 16 | 19 d ⅓ | Of 5 Graines | 120 | 12 |
| Of 2 ¼ Graines | 18 | 21 d ⅔ | Of 6 Graines | 240 | 24 |
| Of 2 ¾ Graines | 30 | 3 ß | Of 7 Graines | 460 | 46 |
| Of 3 Graines | 40 | 4 ß | Of 8 Gr. is 2 Carrats | | 60 |

Pearles of a Carratt are worth now ten ſhillings, and the other ſorts vnder the ſame, or aboue it, accordingly. I had 1600 of a Carratt, which were ſold for 9 ß and 900 of two Carrats, ſold for 36 ſhillings, and many faire pendants, whereof no price can be made in certaintie, they muſt haue the due proportion of a Peare, and be of excellent water.

Yellow Pearle, is not worth halfe the price of the Eaſt India browne Pearle, albeit they be a little helped to make them whiter, for the Prouerb is true, *Quod natura dedit, nemo tollere poteſt*; but if they be yellow accidentally, then they will become very faire by the remedie following.

Take two ounces of white Argall or Tartar, and one ounce of Mercurie ſublimate, and 1½ ounce of Allome, put them together into a cleane pipkin or leaded pot, poure vpon it the beſt *Aqua vitæ* you can get, and bind your pearles into a cleane clout, and hang them in the pot, and ſo let them ſtand ouer the fire one houre, not touching any part of the pot, and they will be faire and white.

If they be great round Pearles they may be ſcaled, for naturally the Pearle is like vnto an Onyon, ſcaling one vpon another. I remember that a friend of my acquaintance, called *Mounſieur Hellman* told mee many yeares ſince, that during the minoritie of *Philip* the third, late King of Spaine, he ſhewed vnto him two excellent great round Pearles, which he valued at ten thouſand ducatts, or three thouſand pounds: which the young Prince tooke in his hands, ſaying, *Bocado por vn Roy* (A morſell for a King) and ſwallowed them downe one after another. The Merchant made account to receiue money for his Pearles, but hee could not, and was glad within two dayes after to take his Pearles againe, which by the heat of the ſtomacke were become yellow; comming to Antuerp, a certaine Iew vndertooke to take off the vpper ſcale, and ſo they were exceeding faire againe, but diminiſhed: they were afterwards ſold to the great Turke for aboue two thouſand pounds ſtarling.

Thus much for Orientall and Occidentall Pearles, where note that the weight for Pearles in Seuill, is leſſer than the weight of Lisborne by eight in the hundreth: the climate in the Eaſt is hotter than

than in the West, and the water more saltish, which causeth the diuersitie of colours.

In Scotland are many times found prettie store of Pearles, and the climate being colder, maketh the colour of them to be dimme, albeit I haue seene some very faire, and pendants also. The small Pearle is also very wholesome in medicinable Potions.

*Of the Commodities of Great Brittaine.*

*England.* THe Commodities of Great Brittaine, containing the Kingdomes of England and Scotland and the dominion of Wales, are rich, and Staple wares, and very aboundant, with a continuall increase, namely:

Woollen Clothes of all sorts, broad and narrow, long and short, called and knowne by the names of seuerall Shires, being 250 thousand Clothes made yearely, besides the new Draperies of Perpetuanaes, and the like commodities.

Tinne, wrought and vnwrought, aboue twelue hundreth thousand pounds yearely.

Lead transported and vsed, aboue eight thousand Fodders euerie yeare.

Allomes made in aboundance, aboue seuen hundreth Tunnes yearely.

Copperas made according to the quantitie vsed, some 250 Tunnes yearely.

Yron of all sorts, setting 800 Furnaces on worke.

Yron Ordnance, or cast Pieces, according to occasion made.

Wools and Woolfels, and Calfe skinnes in great quantitie, and Conie skins.

Stockins of all sorts of Silke, Wooll, and Yarnsey, Yearne and Woolls.

Buffins, Mocadoes, Grograines, Sattins, Calamancos, Veluets, Worsteds, Sarges, Fustians, Durance, Tukes, and all other Norwich wares and Stuffes.

Saffron the best that can be found in any countrey.

Glasse and Glasses of all sorts, Venice gold, Sea-coale, and Salt.

*Scotland.* Scotsh-coale, Wheat, Barley, and all kind of graines in both Kingdomes.

Linnen Cloth, and all Ironmongers wares, Hides, Tallow, Leather, dresst and vndresst, Trayne Oyle, Salmons, Pilchards, Herrings, Hake, Conger, Red-Herring, Hops, Woad, Butter, Cheese, Beere, Salt-peter and Gun-powder, Honny and Wax, Alablaster, and many other Stones.

*The Commodities of the Kingdome of Ireland, are*

*Ireland.* VVOolles, Felles, Yarne, Furres, Flax, Linnen Cloth, Hides, Tallow, Hempe, Honny, Wax, Herring, Cods, Hake-fish, Sal-

Salmonds, Eeles, Ruggs, Mantles, Iriſh Cloth, Pipeſtaues, Yron, and Lead, Wheat, and all kind of graine, Salt-beefe, Butter and Cheeſe, and many Manufactures.

*The Commodities of the Kingdome of France, are*

WInes, Prunes, Canuas, Linnen cloth, Salt, Veluets, Raw ſilke, and diuers ſtuffes of Silke, Buckrames, Boxes with Combes, Paper, playing Cards, Glaſſe, Graine to dye, Rozen, Wheat, and all kind of Graine corne. *France.*

*The Commodities of Spaine and Portugall, are*

VVOols, Madera Sugar, Almonds, Wines, Oyles, Anny-ſeeds, Anchoues, Bay-berries, Bariglia, Figs, Raiſons, Traine-oyle, Yron, Oranges, Leamons, Sumacke, Saffron, Soape, Coriander, Cork, Licoras, Woad, and the commodities of the Weſt Indies, Sugar of Brazill, Fernandebucke Wood, Tabacco, and other commodities. *Spaine* and *Portugall.*

*The Commodities of Italy, and certaine Ilands.*

VEnice Gold, Veluets, Sattines, Cipres, Silkes, Cloth of Gold and Siluer, Cottones, Fuſtians, Wines, Currans, Cloues, Raſhes, Rice, Sarcenets, Raw Silke, Allomes, and Vitrioll, Glaſſes, and other Manufactures. *Italy.*

*The Commodities of Germany and places adioyning.*

VVOolles, Argall, Steele, Latine, Copper, Yron, and all kind of Manufacture made of them: Copperas, Allomes, Lead, Fuſtians, Paper, Linnen cloth, Quick-ſiluer, Bell-mettall, Tinne, Reniſh Wines, and Mather. *Germany.*

*The Commodities of Eaſt-land, and thereabouts.*

AShes, Bowſtaues, Cables, Canuas, Buffe-hides, Flaxe, Hempe, Honny, Wax, Stock-fiſh, Spruce Yron, Match, Wheat, Rye Meale, Woolles, Waynſcott, Pitch and Tarre, and Linnen cloth, Cordage and Ropes. *Eaſtland.*

*The Commodities of Denmarke, and Norway, and Sweaden.*

WHeat, Rye, Woolles, Deales, Clap-boord, Pipe-ſtaues, Maſts, Waynſcot, Copper, Timber, Fiſh and Furres, Allomes in ſome places. *Denmarke, Norway & Sweaden.*

*The*

### *The Commodities of Ruſsia.*

*Ruſsia.* TAllow, Hides, Caueare, aboundance of rich Furres, Blacke Fox, Martins, Sables, and the like: Honny, Wax, Cables, Ropes and Cordage.

### *The Commodities of Barbary.*

*Barbary.* GOat skinnes, Almonds, Dates, Aneale, Gumme, Feathers, Saltpeter, Gold plentifully: and from Guynea, Hides, Oliphant teeth, and Graine.

### *The Commodities of the Low Countries.*

*Low Countries.* TApeſtrie, Battery worke, Steele, Cambrickes, Lawnes, Hoppes, Mather, Butter, Cheeſe, Grograines, Bozatoes, Chamblets, Mocadoes, Bruſhes, Tape, Linnen cloth, Pots, Bottles, Wheat, Rye, Salt, Chimney backes, Blades, Horſes, Soape, Fiſh, Herrings, Cods, Ling, and many things, as Diaper, Smalt, Hoopes of Yron.

### *The Commodities of the Weſt Indies.*

FRom the Low Countrie beginning the Weſt India Trade, let vs ſet downe the commodities of it, ſeeing that the States of the vnited Prouinces haue made lately a Societie of Merchants, bearing date the ninth of Iune 1621, wherein other Nations may be aduenrors, as by their letters Pattents appeareth; prohibiting all other their ſubiects or inhabitants, that they ſhall not trade from the ſaid countries, nor out or from any other kingdome and countrie whatſoeuer, vnto the coaſts and countries of Africa, from Tropicus Cancri, along to the cape of Bona Speranza, neither in the countries of America, from the South end of Magellanes le Mary, and other ſtraits, to the ſtraits of Anian on euery ſide, Noua Guinea included, vpon forfeiture of the ſhips and goods and all their poſſeſſions, within their iuriſdiction and command, and arreſts of their perſons, vnleſſe they be of the ſaid Company made and eſtabliſhed for the Weſt India Trade.

*Letters Pattents for the Weſt India Trade by the States, &c.*

Gold and Siluer, Cucheneale, Sugars, rich Indico, Donnigo Ginger, Pearles, Emeraulds, Hydes, Campeche or Logwood, Salſaparilla, Tabacco, Canafiſtula, Cocos-wood, Lignum vitæ, Cottonwooll, Salt, and ſome other druggs for Phyſicke or dying of Stuffes. And this may ſuffice for a declaration of the principall commodities of moſt countries.

CAHP.

## CHAP. VIII.

### *Of Commutation or Bartring of Commodities.*

WE haue compared Commodities vnto the bodie of trafficke, which did vphold the world by commutation and Bartring of Commodites before money was deuiſed to be coined, whereof we are now to intreate. For commutation, barter, or trucke of Commodities was firſt effected *in ſpecie*, by deliuering one Commoditie for another according to the commodious and behoofull vſe of man; ſo that one did deliuer ſo many meaſures of Corne for ſo many meaſures of Salt, as was agreed vpon; another ſo many pound of Wooll againſt ſo many pound of Pepper, Sugar, or other commodities; an other ſo many peeces of ſuch a commodity for ſuch a commodity; or ſo many Hides for one barre of Yron, or ſo many peeces of Siluer vncoyned, but weighed and exchanged, as yet is vſed in ſome places of America, Barbarie and Guynea, and other countries. This may be properly called an exchange of commodities, or rather a permutation of commodities; albeit the Ciuilians, when there is ſcarcitie of Gold and Siluer in a countrie, and when the commodities in value ſurmount the money paied for them, they do call that a permutation, and denie the ſame to be an emption by their diſtinctions; howſoeuer, this manner of commutation or barter was made by number, weight and meaſure of commodities in kind: but moneys being inuented and valued by the publicke authoritie of princes according to their ſeuerall ſtampes or coyne, and by common conſent made *Publica Menſura*, or the publicke meaſure to ſet a price vpon euerie thing. This commutation, barter, or exchange of commodities for commodities, was, and is (ſince that time) made according to the rule of money, whereby euerie man ſetting a price vnto his commoditie, doth ſell and barter the ſame as he can, with a reſpect of the neceſſarie vſe or requeſt had of the commoditie, and of the qualitie and goodneſſe of the ſame, being either corruptible commodities, or ſtaple wares more durable, whereby all mettals and minerals came into greater eſtimation, and the pureſt was moſt valued and eſteemed, euen in the verie trafficke by commutation when moneys were not coyned,

coyned, and commodities were diſperſed by commerce betweene nations by an interchangeable courſe, ſupplying each others occaſions and neceſſities, according to the vſe of commodities.

*Commutatio negotiatiua,*

This commutation is called *Negotiatiua*, becauſe things are commuted for to ſell againe by way of negotiation, which is either by ſelling or deliuering commodities for commodities *in ſpecie*, as aforeſaid; or by the rule of money in buying and ſelling the ſame at a price agreed or concluded vpon betwene the parties contracting for the ſame: In the eſtimation whereof we are to haue a due conſideration, That riches being naturall and artificiall, and both valued by money, there is required a certaine equalitie in the ſaid eſtimation, proceeding of the conſideration betweene this naturall and artificiall riches.

And as there are three temporall things for the behoofe of man, namely Food, Houſes, and Apparel: ſo muſt we account all the things ſeruing thereunto accordingly, and the ſcarcitie or plentie of thoſe things alſo according to the vſe of them; hauing alwaies a regard and care not to pay too much for the things ſeruing for the bellie, (eſpecially ſuch as in ſome ſort may be ſpared or forborne) and not to ſell too good cheape the things ſeruing for the backe, or in effect to barter them for ſuperfluous things, alwaies admitting ciuilitie (which albeit that men account that ciuile, which is according to the manner of euerie countrie as the prouerbe is, countries faſhion, countries honour:) yet reaſon muſt rule herein, with a due conſideration of Gods good creatures and gifts, which cannot be done without an vnfatigable induſtrie, both in diſcerning the varietie of them, and in obſeruing their infinit number and pure creation; in which regard pretious things haue their eſtimation, ſo that the ſame ciuilitie muſt be reduced to the good of the common-wealth, and for the vpholding of the ſame, liuing together in chriſtian ſocietie, giuing ſo farre place vnto reaſon, that euerie man may endeauour himſelfe for the preſeruation of the weale publike, and conceiue generally, that other nations (not indued with ſo much reaſon) are alwaies inferiour vnto vs in that regard, euen conſidering all men alike in an eſtate of politicke gouernment. Who ſeeth not then that without any cauſe of admiration, ſome men doe wonder at the ſimplicitie of Braſilians, Weſt-India, and other nations, as they of Barbarie, or Africa, in giuing the good commodities of their countries, yea Gold, Siluer, and pretious things, for Beades, Bels, Kniues, Looking-Glaſſes, and ſuch toyes and trifles: when wee our ſelues commit the ſame, in giuing our ſtaple wares for Tobacco, Orenges, and other corruptible ſmoaking things, or ſuperfluous commodities bought at deere rates, to the loſſe of the common-wealth: whereby commeth an ouer-ballancing of foreine commodities with our home commodities, which draweth away our treaſure and readie moneys to the incredible loſſe and impoueriſhing of the realme.

This commutation *negotiatiua* ought to be the ſtudie of Polititians

or

or States-men, as a principall matter of State for the preſeruation and augmentation of the wealth of their Common-weales or Monarchies, where they ſit to direct the ſhip of trafficke, as skilfull Pilots obſeruing all accidents which happen to the three eſſentiall parts of trade and commerce alreadie declared, and to be amplified in our deſcription of this cuſtomarie Law of Merchants.

This Studie conſiſteth in two points, namely in the conſideration of the value of the things commuted or bartered betweene countrie and countrie, according to their vſe; and in the charges of manufacture of thoſe things, and the manufacture of other things exchanged for the ſame by way of trafficke and commerce.

The due commendation of the Maior of Carmarthen.

Worthie of commendation was the Maior of Carmarthen towne in Wales, who (perceiuing the Spaniards to import Oranges and Lemons, and to ſell them continually for readie money, and to export the ſame without buying any of their countrie commodities being Staple wares, and theirs verie corruptible and many times halfe rotten) cauſed a proclamation to be made, That no man (for the ſpace of three daies) ſhould buy any of thoſe Oranges and Lemons: and within that time they were all ſpoiled, and ſo the Spaniard went home by weeping croſſe, and afterwards ſold his Oranges better cheape, and bought commodities for his returne.

Touching the price of manufactures, the labour and charges of workemen is to be conſidered on either ſide, and what the commoditie may be in the wearing or vſe thereof, and to what purpoſe or profit the remainder may be imployed. As for example, If ſilke Lace be imported, after the wearing it is nothing worth: If Venice Gold and Siluer be imported, there will remaine about the one halfe in Siluer, albeit the ſame be ſold deere vnto vs; which is verie tollerable, if other of our manufactures, or Cloth, be exported for the ſame, whereby the people are ſet on worke to maintaine a common ſocietie. But when Tabacco is imported, and leaueth nothing but ſmoake, which is not onely bought at deere rates, and doth hinder importation of Bullion or Ryals of Plate; but is alſo the cauſe that our home commodities, as Cloth, Bayes, Perpetuanoes, and Sayes, are ſold to loſſe by the buyers of Tabacco; which cauſeth the price of our commodities to be abated, and the realme to looſe aboue fortie thouſand pounds yearely by this negotiation of barter: States-men therefore might in this particular, take ſome courſe that euerie man ſhould not make employment in Tabacco in Spaine, or beyond the ſeas, but that the licenſed buyers thereof ſhould make ouer ſo much money by exchange as were needfull for a competent quantitie, to be proued by good and true certificate that the ſame hath beene peformed accordingly.

Hinderances by Tabacco &c.

On the other ſide if Venice Gold and Siluer thred, Spangles, and Oes, ſhall be thought conuenient to be made in England; then (to procure the Siluer in plates cut or vncut to be brought ouer of the

ſterling Standard, or ſo much in Bullion as may make the quantitie required) may be thought expedient, if (in regard of ciuile reputation of the kingdome) we will not prohibit the importation of it by courſe of trafficke.

But conſidering that after wearing the ſame with reputation, it leaueth almoſt the one halfe of his value. There is no pregnant cauſe to find ſo much fault with it, as ſome men do. The like conſideration is to be had for ſuch manufactures, whereof the verie peeces or rags may be vſed to ſome purpoſe, as of Linnen to make white paper, of fiſhers nets to make browne paper, of skins to make glew, of beere leeze to make *Aqua vitæ* and the like.

And here we may not omit how Almightie Gód by his diuine prouidence ruleth many times this negotiating commutation, when the harueſt of Corne faileth in one countrie, and is proſperous in another countrie, whereby this trade of barter by the rule of Mony, doth verie much augment, and the price of Corne becommeth to be much deerer: Albeit the price be reaſonable, conſidering the Fermer may by the cheapnes thereof be made vnable to pay his rent. And God, who doth euerie thing for the beſt, ſheweth vnto vs how one nation may haue need and occaſion to vſe the help and meanes of other nations, and which is more admirable to be noted, God in the permitting of it, may haue ſome other work in hand to manifeſt his glorie, or to relieue his children by vnexpected meanes; As the ſending of the children of *Iacob* into Ægypt for the want of Corne to maintaine themſelues, doth demonſtrate vnto vs. The like may be applyed for Wines, Salt, and other commodities for the ſuſtenance of man, which (although they be corruptible commodities) may, contrarie to our former aſſertion (by this accidentall or caſuall extremitie) be preferred in eſtimation of the Staple commodities, which are durable, and become valued only by Gold & Siluer, which is the cauſe that Spaine and Portugall being ſubiect to haue dearth of Corne, do permit the exportation of Siluer and Gold in returne of the prouenue of it and other victuals, whereby we find that thoſe countries, by reaſon of the Weſt-Indian treaſure, being from time to time prouided with Siluer and Gold coine, are neuertheleſſe moſt deſtitute of the ſame, bartring as it were in effect, their Siluer and Gold for Corne and other prouiſions; and, hauing their countries ſtored with meere copper Moneys. This treaſure paſſeth from them as if it were conueyed by a channel: and (becauſe of the aboundance of their ſaid Copper moneys) is not ſo ſenſible vnto them, as it is vnto other countries which haue not the vſe of the like Copper moneys, which is diuers waies to be conſidered, eſpecially in the time of wars, when moneys are called to be the ſinewes thereof, or *Nervi Bellorum*, which by meere Copper moneys can neuer be vnderſtood, howſoeuer neceſſarie (in ſome meaſure) for the commutation of pettie bargaines and contracts, whereof more hereafter in handling the matter of Moneys.

Gold and Siluer bartered for Corne and Victuals.

To make application of this negotiating cõmutation in the price of commodities,

Commodities, it is to bee prooued by diuers ancient Merchants bookes, that within the age of a man, or ſeuentie yeares, the price of forraine Commodities with vs is farre more riſen than the price of our home Commodities; which by way of Antitheſis is worthy the obſeruation.

Redding colour, and other mingled colour Clothes, did coſt 9 ℔ the Cloth then, when Blacke Veluets were ſold at 10 ſhillings the yeard; and now the ſaid ſort of Clothes are ſold but for 11 ℔ and 12 ℔ the Cloth, and Veluets at 26 ſhillings the yeard.

Packe Clothes white, at fiftie pound the packe of tenne pieces, Cramoſin Veluets at 12 ſhillings the yeard. And now Packe Clothes of the ſame marke, at ninetie pound, and a hundreth pound; and Cramoſin Veluets at thirtie ſhillings the yeard.

Wooll the Todd of 28 ℔ weight, at 12 ſhillings, Blacke Satine at 5 ſhillings the yeard; Wooll now aboue 20 ſhillings, or thereabouts, and Satine 15 ſhillings.

Calfe skins the dozen 5 ß; Fuſtians the Bale of 40 ½ pieces, at 12 ℔ the Bale; Calfe skins now at 10 ß, and Fuſtians 36 pounds, and Millaine Fuſtians at 18 and 20 ſhillings the piece, now at 3 ℔ and aboue.

Sayes of Norwich, at 20 ß the piece and vpwards: Meſſina ſilke 8 ß the pound; Sayes are about 40 ß, and Meſſina and the like ſilke aboue twentie ſix ſhillings. Northerne Carſeyes then 18 ß, Spaniſh Soape 20 ß, now 50 ß, and Carſeyes 22 ß. Seuill Oyle, the Tunne 12 ℔, now 35 ℔, and many times aboue fortie pound. Foraine wares riſen, 3 to, 1.

French Wine at 5 ℔ the Tunne, now 20 ℔, or thereabouts: Long Proines 5 ß, now 15 and 16 ß; Sugar 6 pence the pound, now 14 and 16 pence.

Malmeſeyes 5 ℔ the Butt, now 18 ℔ and 20 ℔; Cotton Wool 4 d. now 15 d. and diuers other commodities accordingly. So that an angel would haue bought one yeard of Veluets, now three Angels or pieces of gold can be exported for the ſame. Ten Angels would haue bought a Tun of Claret Wine in England, which is now ſold for aboue twentie pound, and twentie foure pound.

Beſides that, our Cloth is better made than in thoſe dayes, albeit not ſo good as it might be made; victuall and wages are deerer, and Woad, Mather, Oyle, and colours are extreamely riſen.

A Merchant might haue ſent or carried with him one packe of Clothes, white, broad, or narrow liſts, and brought in returne one Cheſt containing nine or tenne pieces of Veluets: whereas now he cannot bring aboue three or foure pieces in returne thereof. For a Redding Cloth ſold beyond the Seas, hee might haue returned one Bale of Fuſtians; whereas now for the value of one Bale of Fuſtians ſold in England, a Merchant muſt buy and export three Clothes.

A London mingled colour cloth, would haue bought at Lisborne two cheſts of Sugar; now one cheſt of Sugar will draw two Clothes out of the Realme: So a Kentiſh Cloth would haue

bought at Seuill a Tunne of Oyle and more ; now one Tunne of Oyle doth counteruaile three Clothes and more, and other commodities accordingly ; giuing (as it were) three to one *in ſpecie* for foraine commodities.

Commutation is compared vnto monyes in kind.

Compare this commutation to the monyes inhaunced in the Low Countries, Germany, France, and ſome other Countries (which is the ſame money ſtill *in ſpecie* for weight and fineneſſe, and onely the valuation is altered) and you ſhall find that within the ſaid time of ſeuentie yeares, an Angel worth ten s. then, is now aboue twentie ſhillings ; a French Crowne ſix ſhillings, now twelue ſhillings ſix pence, and all other coynes accordingly, or thereabouts : whereas in England there is no momentarie alteration of the monyes, as heereafter ſhall be made more apparant. And the like conſideration will alſo bee had concerning the Exchanges of monyes by Billes of Exchanges.

Some men are of opinion, that ſelling our home commodities good cheape, maketh a liuely trade, augmenteth commerce, and maintaineth all the dependances thereupon, by ſetting the people on worke, imploying Ships, and augmenting the Kings Cuſtomes and Impoſitions : But they neuer conſider two principall points whereby the wealth of Kingdomes and Common-weales increaſeth or decreaſeth, namely :

Inconueniences to ſell commodities good cheape.

If commodities imported vnto vs, bee dearer than in times paſt, as we haue noted, and our home commodities are not ſold proportionably in price, but wee will indeauour ſtill to ſell good cheape : who ſeeth not that this bringeth an euident ouerballancing of commodities in price, which is to be ballanced by the treaſure and monyes of the Realme ?

Againe, if our home commodities be ſold too good cheape, other nations can make a trade thereby for other countries, and ouerthrow the trades of ſeuerall Societies of the Realme. We haue ſeene in times paſt, that the Weſterne colour Carſeyes were ſold at Norenborough in Germany, to the great loſſe and hindrance of the then Turkie trade ; and at this preſent our Suffolke clothes are ſold ſo good cheape beyond the Seas, at Amſterdam and other places, that they haue made a large trade for Ruſſia and Eaſt-land with our home commodities, and thereby ouerthrowne our trade by preoccupying the Markets, and ingroſſing the commodities of thoſe countries aforehand. From Zealand there is a trade eſtabliſhed for Barbarie, with the ſaid clothes ſold vnto them, thereby preuenting the trade of Engliſh Merchants, which yeeldeth them but little profit, and the commodities which they bring in returne (as Hydes, Almonds and other things) are better vented beyond the Seas, where our Merchants are forced to tranſport them, and the gold which they bring affoordeth but little profit ; ſo that to make commerce to be a paſtime, is neither beneficiall to the Common-wealth, nor to particular perſons. The times or ſeaſons of Trafficke and Trade are

The times and ſeaſons of trade are variable.

mutable

mutable and ſubiect to accidents, which is the cauſe that at ſome one time, commodities are well vented, and at another time not; the raſh ſale is not the profitableſt. Haue not wee found of late yeares, that cloth was ſold in greater quantitie, and at greater prices, when the Todd of Wooll was ſold at 32 and 33 ſhillings, and clothes accordingly, than now when Wooll is ſold for 18 and 20 ſhillings? The reuolution of things may alter againe and reuiue trade; if not, procure you to haue foraine commodities better cheape, whereof you haue not ſo much need, as they haue of ours. Striue not to vnderſell others to the hurt of the Common-wealth, vnder colour to increaſe trade: for trade doth not increaſe when commodities are good cheape, becauſe the cheapeneſſe proceedeth of the ſmall requeſt and ſcarſitie of money, which maketh things cheape: So that the contrarie augmenteth trade, when there is plentie of money, and commodities become dearer being in requeſt.

Cauſes increaſing trade and commerce.

Concerning the particular barter or truck with Merchants, euery man doth know who dealeth therein, that this is done with ſuch dexteritie, to take aduantage in the price of their cõmodities one againſt the other, that commonly either the one or the other findeth himſelf agreeued: For the ouerreaching therein, is accounted an vſuall and ordinarie practiſe, and the commodities thus bartered are plentifull, and not in requeſt; whereby it commeth to paſſe, that to haue good commodities (which are vendible at all times) there is part giuen in readie money, or in Billes payable at ſhort dayes of payment; whereby many Merchants are ouerreached, and can haue no remedie by law nor equitie. Hence the Prouerbe is deriued, *Caueat Emptor*; for it is a buying and ſelling, implying an aduantage intended by both parties, howſoeuer they wil ſeeme to colour the matter. So that the Prouerbe is not to be vnderſtood, vpon all bargaines of commodities whereby a man becommeth a loſer; and he that dealeth in barter muſt be very circumſpect, and the money giuen in barter cannot be ouerſet: Whereupon a principall Merchant of London, made once a barter, in hope to ouerreach another Merchant, and they both being reſolued to doe their beſt indeauour therein, agreed to eſteeme and value their commodities at a high rate: but withall the great Merchant, would haue the one moitie (of the ſomme they ſhould barter for) in readie money, and ſo the more hee did ouerualue his commoditie (which was cloth) the more money was the other to lay out. The bargaine came to one thouſand pounds ſtarling, whereupon the partie payed fiue hundreth pounds in readie mony inſtantly (for all was done in two houres:) and deliuered him alſo fortie halfe pieces of Lawnes, at a certaine price the firſt piece, and in euery two or three pieces raiſing the price, as the manner is in that kind of commoditie. The great Merchant had ouerſet his commoditie or clothes fiftie vpon the hundreth, and the other Merchant (that could not ouerſet his money) had valued his Lawnes at a very high rate of three for one at the leaſt. For all the ſaid fortie halfe pieces of Lawnes

Particular barters.

A cunning commutation.

were ſold for 120 ℔ payable at two yeares day of payment, and by the cloth there was not loſt aboue one hundreth pounds. Hereupon long after the ſaid parties fell at variance, the cauſe was by them compromitted vnto verie ſufficient arbitrators, Merchants, and they did approoue and confirme the ſaid Commutation and Barter to bee good, for that the commoditie was Merchantable, and they had endeauoured to trie their wits to ouerreach each other. And moreouer they awarded, the great Merchant to pay charges, and willed him to remember the old Prouerbe, *Hee that buyeth Lawne before he can ſold it, will repent before he hath ſold it.* But theſe particular commutations betweene man and man are not hurtfull to the Common-wealth, vnleſſe they be betweene vs and forraine Nations in the pluralitie of the things commuted betweene vs and them.

A Rule for commutations

To preſcribe therefore ſome kind of Rule in Permutations, let vs obſerue that there is (in effect) Three kindes of them, and may bee diſtinguiſhed and ſaid to bee, Diſcreet, Temperate, and Deſperate.

Diſcreet commutation.

The Diſcreet is, where (without any compulſion, or of courſe) one kind of commoditie is, either *in ſpecie*, or according to the rule of money bartered or deliuered for another commoditie of another Kingdome; as the bargaine was to deliuer Sea-coales of New-caſtle, into France for Salt, paying the fraight on either ſide equally betweene them.

Temperate commutation.

The Temperate Commutation is, where a Merchant doth expect a conuenient time for the ſelling of his commoditie, according to the accidents and occaſions offered, and doth not ouerthrow the Market of others (that haue the like commoditie to ſell) by his raſh ſale.

Deſperate commutation.

The Deſperate Commutation is meere oppoſite vnto it, where a man either for want of diſcretion, or vpon vrgent neceſſitie to ſupply his credit and occaſions, ſelleth or bartereth away his commodities, for other forraine commodities to returne homewards. In all which great diſcretion is to be vſed, and this ought to be a principall ſtudie for Societies and Companies to looke vnto. Albeit the ſame is not of ſuch importance, as the buying of forraine commodities at deere rates, when Merchants ſtriue to engroſſe them, vpon the arriuall of Ships, as (for Corrints) hath happened at Zante and Venice.

CAHP.

## CHAP. IX.

### *Of ordinarie buyings and ſellings of Commodities.*

EVerie man knoweth that in the buying and ſelling of commodities, there is an eſtimation and price demanded and agreed vpon between both parties, according to a certaine equalitie in the value of things, permuted by a true reaſon grounded vpon the commodious vſe of things: So that equalitie is nothing elſe but a mutuall voluntarie eſtimation of things made in good order and trueth, wherein inequalitie is not admitted or knowne. And the ſeller is to ſell his wares according to the common eſtimation and courſe, at ſuch time as he ſhall thinke conuenient, vnleſſe it be for victualls and munition, wherein neceſſitie compelleth him to ſell for the generall good, by the interpoſition of the magiſtrates, by whoſe authoritie he can obſerue no time, but muſt ſell, taking a reaſonable gaine for the ſame: for the eſtimation is alſo the greater vpon ſuch occaſions and accidents, when the ſelling of a thing is not according to the goodneſſe of the nature of the thing, but rather according to the vſefulneſſe of it to mankind; and therein the condition of the thing is to be conſidered, which may decay and be ſubiect to corruption in quantitie, qualitie, and ſubſtance, or which is not ſubiect thereunto.

Definition of equalitie.

True it is that there can be no rule preſcribed or taught how to buy and ſell, which is lawfull and vnlawfull, or iuſt and vniuſt, by any wiſe man whatſoeuer, becauſe the children of this age are wiſer than the children of light in their generation and calling; which is the cauſe that ſome Diuines (hauing written hereof) do proceed with great moderation, obſeruing that the transferring of things from one owner vnto another, is effected fiue maner of waies by priuate perſons.

*Tho. Aquinas, Scotus,* and others.

1 By Donation, which is altogether of free gift, according to the ſaying recorded, *Luke* the ſixteenth chapter, *Mutuum date, nihil inde ſperantes.*

Fiue means to transfer things.

2 By Permutation, *Do vt Des*, I giue becauſe you ſhould giue: as the prouerbe is,

*Si mihi des, tibi do, ſi nil des, nil tibi reddo:*
*Hoc verbum do, das nutrit amicitias.*

3 By Emption or buying of things.

4 By

4 By Vendition or ſelling of things.

5 By actiue mutuation, or mutuall giuing or lending of moneys.

Eleuen conditions in the buying and ſelling of things.

And in buying and ſelling of things, there are required eleuen neceſſarie conditions; Firſt, a conſent in the ſelling; ſecondly, a power to ſell, the like in the buyer; thirdly and fourthly, conſent and power; fifthly and ſixthly, ſome conditions on either ſide, agreeing in the tranſferring of the thing; ſeuenthly, that the ſame be honeſt; eighthly, alſo lawfull; ninthly, and tenthly to be without vnreaſonable conditions, to buy and ſell the ſame againe; eleuenthly, that it be an abſolute irreuocable bargaine. And herein is the law of nature to be regarded and obſerued, *Quod tibi fieri non vis, alteri ne feceris*, or do as you would be done vnto: Yet if I haue occaſion to buy that which another is about to buy, it is lawfull and iuſt for me to buy the ſame.

Three things to be obſerued in the ſelling of things.

But to auoid ſuſpition in ſelling iuſtly or vniuſtly, three things are required; Firſt, the buyer to be expert in the commodities he buyeth; ſecondly, that he be not too needie, or conſtrained to buy; and thirdly, that perſuaſiue reaſons be ommitted, which cauſe the partie to buy deerer.

The Ciuilians (affirming, that probabilitie to proue the eſtimation of a thing is ſufficient, whether it be more or leſſe worth) do admit that a man may ſell deerer vnto an expert man, than vnto a ſimple man; and to ſell deerer than the thing is worth by common eſtimation, is adiudged by them to be alwaies vniuſt: as alſo to vſe reaſons and inducements to ſell wares the deerer, neither is the ſeller to demand or expect any thing aboue the price agreed vpon. And intreating hereof, they make large diſcourſes, which I do admit to handle for the reaſons aforeſaid.

Buying and ſelling, ſay they, is done two manner of waies, Firſt that the thing be ſo bought, that all power of pretence be auoided, which is giuing a thing at a certaine price for the thing: and ſecondly, that the thing ſold be as a gift for that price, which in ſubſtance may be ſaid to be a plaine, abſolute, and lawfull bargaine, ſold (as we ſay) in

Selling in open market or ſhop.

open market or ſhop, in ſo much that there be not a curtaine to hide the commoditie ſo bought and ſold: howbeit in all faires and markets in the parts beyond the ſeas, a Trades-mans ſhop, and a Merchants ware-houſe is taken to be publicke and open at the appointed times.

Payments by anticipation.

They haue alſo determined, that a ſeller may not demand a greater price for the forbearance of his payment or ſatisfaction of the thing, but he may well diminiſh the price, if the buyer do ſatisfie him the ſooner, and before the time of paiment, by way of anticipation, which neuertheleſſe reſteth in his power to accept thereof, or to expect the time. But this is commonly done (not by abating of the price of the commoditie, becauſe money hath made a certainetie of the totall ſumme of the ſaid commoditie) but by allowance or deduction of the intereſt of the ſaid money for the time to come and vnexpired,

vnexpired, according as they make their agreement of the price of intereſt.

To conclude the premiſſes touching buying and ſelling, we find, that no man in ſelling any wares is bound to declare, whether any quantitie of the like wares are to be had or expected when he ſelleth.

## Chap. X.

### *Of Suretiſhip and Merchants Promiſes.*

HAuing intreated of the ordinarie buying and ſelling of commodities, either for money to be paied at ſome daies of payment, or for wares to be deliuered by way of permutation, (wherein many times a third perſon is interpoſed, or it doth meerely depend vpon the parties promiſe) it may ſeeme conuenient to handle the point of Suretiſhip and Promiſes.

A bare or naked couenant.

For albeit as the Ciuilians ſay, that *Nuda pactio obligationem non parit, exceptionem parit*, a bare or naked couenant bindeth not, but breedeth exceptions; this is to be vnderſtood vpon contracts, and where no ſureties haue made any promiſe: But otherwiſe if any merchant do paſſe his word for another, it maketh him liable, as *fide iuſſor* to performe the ſame, and the act done before is a ſufficient good conſideration, and they all agree that *bona fides inter mercatores eſt ſeruanda*, Faith or truſt is to be kept betweene merchants, and that alſo muſt be done without quillets or titles of the law, to auoid interruption of trafficke, wherein his Suretiſhip is to be conſidered according to the promiſe; for if it be conditionall, if ſuch a man do not pay, then the other to pay the ſame within a time, or to ſaue him harmeleſſe: it is firſt to be demaunded of the Principall, and if he do not pay, then the Suretie is to pay it without any courſe of law, vnleſſe he be ordered by the Court of Merchants to performe the ſame, becauſe that thereby he may alſo the ſooner recouer the ſame of the Principall for whom he did giue his promiſe. It is alſo a cuſtome amongſt Merchants, that if a Merchant be indebted vnto another, and thereupon intreateth another merchant to deſire the creditor to reſpit him ſome time for the paiment of it; if then the ſaid merchant the debtor do not pay accordingly at the time, he ſhall be taken *pro confeſſo*, and ſentence

tence ſhall be giuen by the Merchants Court for the paiment thereof, onely vpon proofe made, that he did will another to craue the ſaid reſpite of time for the paiment. The like is done by the Common law of England by triall of Iuries of 12 men, vpon proofe made by euidence produced before them, that the debtor did craue day of paiment, ſo that they will thereupon deliuer their verdict, and iudgement and execution may be of courſe had for the ſame. But if the promiſe be not conditionall, then is he an abſolute Suretie, and is to pay the ſame accordingly, as merchants of credit alwaies haue done.

To become a ſuretie vnawares.

A merchant may alſo be come in the nature of a Suretie vnawares, or vnknown vnto him, as befell vnto a friend of mine not many yeres ſince at Frankford in Germanie, who during the Mart or Faire, went into a merchants Ware-houſe to conferre of ſome buſineſſe with him, where hee found another merchant of his acquaintance to cheapen ſome parcel of ſilke wares with the ſaid other merchant, to whom this man (as it ſeemed) was vnknowne; whereupon the ſeller of the ſaid ſilk wares tooke occaſion to aske my friend whether he were a good man and of credit, and he anſwered he was, ſo the bargaine was made, and goods were deliuered vnto the ſaid merchant the buyer, to the value of 460 ℔, for the which he made a bill obligatorie, payable the next Faire following: at which Faire (the partie not appearing) demand was made of my friend to make payment of the ſaid 460 ℔, becauſe the partie was abſent, and withall ſome doubt was made of his ſufficiencie; my friend had not ſo much as remembred that any ſuch queſtion was demanded of him, but the partie did put him in mind of it by circumſtances, and would be paied of him, he in defence did alleage it to be *nudum pactum ex quo non oritur actio*, and ſo not bound to pay the ſame, as hauing had no conſideration for it. The opinion of merchants was demaunded, wherein there was great diuerſitie, ſo that the Ciuile Law was to determine the ſame; and by the ſaid Law according to the title *de mandato conſilij*, he was adiudged to pay the ſaid 460 ℔, and to haue the debtors bill obligatorie made ouer vnto him, whereof he could neuer recouer one pennie, although he did pay the whole debt and dammages, for the partie became inſoluent. This may be a good caueat for merchants and all men; for if he had ſaid, He is taken or reputed to be a good man of credit, or, I take him to be ſo; he had beene cleered by the law, and the cuſtome of merchants.

A caueat for merchants &c.

Conſiderable promiſes.

Some promiſes are conſiderable, according to reaſon, as if a man vpon a penaltie do promiſe another not to moleſt or trouble him; if the other giue him cauſe of offence to breake the ſame, he incurreth not the penaltie; and a promiſe made to do a thing is alwaies vnderſtood to be for the firſt time. So to make a promiſe that a pawne ſhall not be alienated, yet it is held by diuers that the ſame may be hipothecated vnto another, ſo the pawne be preſerued. Againe on the contrarie, if a ſhip-wright do promiſe to build a ſhip for a merchant, and hee cauſeth the ſame to be done by another, here the promiſe is

broken

broken by the Law, albeit this queſtion is not materiall, for it is not like that the building of Ships can be done without contracts in writing, and onely by bare promiſes. And the like may bee ſaid to the greateſt part of all the queſtions, wherewith the Bookes of Ciuilians are fraighted; ſo that for Merchants vnderſtanding, the ancient ordinarie Cuſtomes obſerued in the courſe of the ſaid Eſſentiall Parts of Trafficke, is plainely to bee declared and diſtinguiſhed from litigious queſtions.

## Chap. XI.

### *Of the Reuolution of Buying and Selling of Commodities, by the courſe of Trafficke.*

EVen, as the whole Commerce and Trafficke conſiſteth of our Land Commodities, and ſome fiſhing on the Seas, and of the Commodities of forraine Nations; So from hence followeth, An efficient Cauſe of a kind of Reuolution in buying and ſelling of Commodities: becauſe the commodities of one countrie growing rancke and aboundant, are tranſported into other countries, in whoſe ſteed needfull commodities of thoſe kingdomes and countries are returned thither, which is a neighbourly lending betweene kingdomes and countries. For, as is noted, God cauſed Nature to diſtribute her benefits, or his bleſſings to ſeuerall Climates, of diuers things found in ſome places, that are not in other places; to make an interchangeable courſe of the ſaid commodities by way of merchandizing.

This Reuolution of Trade, may be illuſtrated by the conſideration of the ſeuerall meanes, whereby the ſaid buying and ſelling are effected. Sundry means for buying and ſelling.

1 The firſt is, buying with readie money, which is commonly the beſt, and with moſt aduantage, for commodities are ſold better cheape: wherein the knowledge of the goodneſſe and neceſſarie vſe is requiſite. For readie mony.

2 There is alſo a buying and ſelling of Commodities, paiable at ſome limitted time or times of paiment, or partly readie mony, and partly at times: and the difference of price heerein, is commonly aboue tenne vpon the hundreth more or leſſe, as the rate of monyes at intereſt are in the places of Commerce, where the ſaid Commodities are ſold or bought, and according to the plentie of mony extant, vnleſſe the ſuperaboundance of Commodities doe alter the ſame; eſpecially if the Commodities be periſhable, by Corruption, Time, and Accidents; ſo that the condition, qualitie, or goodneſſe of the com- For readie mony and paiable at times,

commoditie is much to be reſpected: which was the cauſe that when commodities did abound at the firſt, and the wealth of man was deſcribed by cattle and the like periſhable things; all kind of mettall (as being durable) was moſt eſteemed, and the pureſt mettall taken to be fitteſt to make monyes of, as hereafter ſhall bee amply declared in our ſecond Part.

By Billes of Exchange.

3 There is another buying and ſelling of commodities, to bee payed by Billes of Exchanges, that is to ſay, The Buyer giueth a Bill of Exchange, or many Billes to bee payed by exchange in another place; as for example one buyeth fiue hundreth pounds worth (at London) in commodities, which are accounted in price, as if hee had bought them for readie mony, and doth giue vnto the Seller of the ſaid commodities one or more Billes of Exchanges for Antuerp, Amſterdam, or any other place, to be payed according to the price of exchange which is made, or ought to be made, according to the value of the monyes of one Countrie, and the value of the monyes of other Countries, by weight and fineneſſe, as ſhall be heereafter declared, and that according to the diſtance and diſcrepance of the time and place, where and when the ſaid monyes ſhall be payed by the Buyers friend, Factor, or Seruant; and ſo the ſaid Bill or Billes of Exchanges are payed accordingly for the commodities ſo bought.

By mony payable in Banks.

4 Another Merchant, hauing mony in Bankes, or in the Bankers hands at Amſterdam, or any other place where Bankes are kept, buyeth ſome commodities in the ſaid places, and caſting vp what the ſame doth amount vnto; hee goeth to the Banke and aſſigneth the Seller of the ſaid commodities to receiue ſo much mony there, and the Banke (accepting thereof) giueth him ſatisfaction in the payment he maketh vnto others, according to the manner of Bankes hereafter declared.

By a Letter of Credit.

5 Another buyeth ſome commodities there, or in any other place beyond the Seas, and for that purpoſe he hath a Letter of Atturny, called a Procuration, or a Letter of Credit, either from his Maſter or any other here at London, or elſewhere; who vpon his Credit, hath promiſed thereby to pay the value of the ſaid goods in ſome place beyond the Seas, according to a price of Exchange agreed vpon betweene the parties here (and the like is done beyond the Seas to be payed here) which is ſtill according to the value of monyes in both parts, anſwerable to weight and fineneſſe by way of Exchange. And the like is done betweene London and Exeter, Plimmouth, Yarmouth, and many other places, vpon the very ſame and vniforme Coyne, by Letters Miſſiue betweene Merchants here and there.

For Billes Obligatorie.

6 The moſt vſuall buying and ſelling of commodities beyond the Seas, in the courſe of Trafficke, is for Bills of Debt, or Obligations, called Billes Obligatorie, which one Merchant giueth vnto another, for commodities bought or ſold, which is altogether vſed by the Merchants Aduenturors at Amſterdam, Middleborough, Hamborough, and other places. For when they haue ſold their Clothes

vnto

vnto other Merchants, or others, payable at 4, 6, 8, or more months; they presently transferre and set ouer these Billes (so receiued for the payment of their Clothes) vnto other Merchants, and take for them other commodities at such prices as they can agree with the Seller of them, be it Veluets, Silkes, Satins, Fustians, or any other wares or commodities, to make returne of the prouenue of theirs; and so selling those forraine commodities here in England, they presently buy more Clothes, and continue a Reuolution of buying and selling in the course of Trafficke and Commerce, being so (in effect) as may be illustrated by example.

Example of of the Reuolution in Trafficke.

Suppose A.B. the Clothier selleth to C.D. the Merchant one pack of Clothes, for the summe of one hundreth pounds paiable at six moneths, and doth condition with him to make him a Bill in the name of such a man as hee shall nominate vnto him: A.B. the Clothier buyeth of D.E. the Gentleman, so much Woolls as amounteth to one hundreth pounds, and doth intend to deliuer him the Bill of C.D. the Merchant, in full payment of his Woolls, and to cause the same to be made in his (this Gentlemans) name: But D.E. the said Gentleman, caused him to make the Bill payable to E.G. the Mercer, and the Mercer is contented with the like condition to accept thereof; but he caused the same to be made payable to C.D. the Merchant, of whom hee buyeth his Veluets and Silkes; and so in payment of them, hee deliuered him (by an *Intermissiue time) his owne Bill, which hee first should haue made to the Clothier. And herein you are to note, that in the buying by Bills, it may bee made payable to the Clothier, or to the Bearer thereof, and so all the parties are bearers thereof, vnto whom the same is set ouer by Tradition of it onely, which by a Retrograde examination will appeare; and this is called a Rescounter in payment, vsed amongst Merchants beyond the Seas, and seemeth strange vnto all men that are ignorant of this Custome, and yet doe they perceiue a reason for it, and cannot deny the commodiousnesse thereof.

Rescounter by Bills of Debt.

The Common Law of England, is directly against this course; for they say there can bee no alienation from one man to another of debts; because they are held, *Choses en Action*, and such whereof no propertie can passe by assignement or alienation; and many good Lawyers doe wish as well as Merchants, that there were an Act of Parliament made for the establishing of the like course in England. By reason whereof, let vs in the next Chapters handle this matter more distinctly, and declare the benefits which the Realme will receiue thereby, and all Merchants and others negotiating for great summes.

There are other manner of buying and selling of commodities, by Contracts, and vpon Conditions and Casualties, which are to bee declared in their proper places, whereunto relation may bee had hereafter.

## CHAP. XII.

### *Of the Transferring or ſetting ouer of Billes Obligatorie, betweene Merchants and others.*

WE haue in ſome meaſure, in the precedent Chapter, declared the Vſe and Cuſtome of Merchants beyond the Seas, in the Transferring and ſetting ouer of Bills Obligatorie, or Billes of Debt, which they giue each to others for the payment of Commodities, bought and ſold by way of traffick and trade, it reſteth now to ſpeake thereof more amply. For the ſinceritie of plaine dealing hath hitherto beene inuiolable, in the making of the ſaid Billes, which euerie man of credit and reputation giueth of his owne hand writing, or made by his ſeruant, and by him ſubſcribed, without any ſeale or witneſſe thereunto; and is made payable to ſuch a Merchant or perſon, or to the Bearer of the Bill, at ſuch time or times of payment as is agreed and concluded betweene the parties, either for money or commodities lent or bought, and ſo declared in the ſaid Bill, according to the forme hereafter expreſſed.

*The manner of Billes beyond the Seas.*

This Cuſtome is much practiſed by the Merchants Aduenturers beyond the Seas at Middleborough, Amſterdam, Antuerp, Hamborough, and other places where they do trade, in manner following, as we haue noted.

A Merchant, hauing many of theſe Billes, which he hath receiued for his Clothes ſold vnto Drapers (or other Merchants dwelling in ſeuerall townes and places) will reſort vnto a Shop-keeper, or another Merchant, commonly accompanied with a Mediator or Broker, to buy a good round quantitie of Silke wares, or any other commoditie (which is ordinarily ſold payable at ſome dayes of payment either 4, 6, or more monethes) and hauing agreed vpon the price of the ſaid commoditie, or before; hee maketh the ſeller acquainted what payment or ſatisfaction hee will giue him, in Billes of ſuch and ſuch perſons, amounting to ſuch a ſumme, either little more or leſſe than the commoditie doth amount vnto; or to take in commoditie ſo much as the ſaid Billes doe containe, or doe amount vnto; and if there bee any remainder due for the commoditie, more than the Billes doe amount, the ſame to bee payed in readie money, or vpon his owne Bill, payable at ſuch a time as they agree betweene them, which often commeth to be a great

*The ſetting ouer of Billes of Debt.*

great ſumme. Heereupon all ſuch Bills as are of knowne perſons are ſoone accepted of, and of the vnknowne perſons, either himſelfe that is the Seller, or the Broker, will inquire of their ſufficiencie, and then likewiſe accept of their Bills in paiment; and hauing taken their Bills, (which are made payable to the Bearer, as we haue ſaid) the receiuer of theſe Bills goeth vnto the parties, and demandeth of them, whether they are contented to pay him thoſe Bills at the time ſpecified therein, according to the manner of merchants for commodities (which if it be within one moneth after, it is accounted to be verie good payment:) The Debtor maketh anſwere, that he will pay his Bill to the bearer thereof accordingly; for if this man will not ride out (as they ſay) the time of the payment of the Bills, he may go to another man, and buy other commodities therewith, as if it were with readie money, the time onely conſidered: nay more, if he will haue readie money for theſe Bills, he may ſell them to other merchants that are moneyed men, and abating for the intereſt for the time, and (commonly one moneth ouer) according to the rate, as they can agree, and as money is plentifull, they ſhall haue money at all times to imploy in commodities, or to deliuer by exchange, or to pay debts withall, or to carrie home *in ſpecie*, or for any other purpoſe at their pleaſure; which is commodious for young merchants hauing ſmall ſtockes, as alſo for all men vpon all occaſions: for it is properly as money paied by aſſignation, whereby verie great matters are compaſſed in the trade of merchandize, the commodities are ſooner vented in all places, the Cuſtome and Impoſitions of Princes do increaſe, the poore and mechanicall people are ſet on worke, men are better aſſured in their payments, the counterfeiting of Bills, and differences are preuented; the more commodities there are ſold the leſſe readie money is tranſported, and life is infuſed into trafficke and trade for the generall good. And herein we ſee and may obſerue, That things which be indeed, and things which are not indeed, but taken to be indeed, may produce all one effect; and euerie man is enabled with his owne meanes and credit, to augment commerce.

Selling of Bills Obligatorie.

General benefits by ſetting ouer of Bils of Debt.

This laudable cuſtome (as I ſaid) is not practiſed in England; yet ſometimes a Merchant Stranger will accept of Bills of Debt in payment for commodities ſold with aduantage: But then the Bill is made new againe, and in the Merchant Strangers name; and this is not without ſome daunger to him that buyeth the commoditie or merchandiſe for another mans Bill, as Factors may doe for their Maſters: for I haue obſerued by good experience, that a Factor in London, hauing ſold for his Maſter (a Merchant of Antuerpe) ſome commodities to an Engliſh Merchant to the value of ſeuen hundred pounds, and taken the Merchants Bills payable at ſix moneths and ſix moneths for it: his Maſter of Antuerpe did appoint him to buy Bayes for theſe Bills of another Merchant, which he did performe

A Law Caſe about the ſetting ouer of Bills.

forme, and had the value of 700 ℔ deliuered vnto him in Bayes accordingly, and the Bills were to be altered in the other Merchants name for his Bayes. Shortly after it fell out that the Engliſh Merchant became inſoluent: But before it was publickely knowne, the Factor brought the Bills altered (according to the agreement) in the Baye Merchants name, who did refuſe to accept of them, and ſaid the Factor ſhould pay him. The Bills were tendered with a Scriuener accordiug to their agreement, but ſtill were refuſed. The time of payment being expired, the Bay Merchant did arreſt the ſaid Factor: the matter was tried before the Lord chiefe Iuſtice of the Kings Bench by a *Niſi prius* in London, by a partie Iurie of Engliſh men and Strangers: The verdict was found for the Bay Merchant, and the Factor did paie the money, and had no remedie againſt his Maſter. The reaſon was deliuered by the Iudge, That the Common Law in this caſe requireth a Releaſe or Acquittance for the payment of the Bayes to be made to the Factor, otherwiſe he was ſtill bound by the Law to anſwere for the ſaid Bayes.

To eſtabliſh this Cuſtome in England.

This cuſtome might (with great facilitie) neuertheleſſe be eſtabliſhed in England, and would be verie beneficiall to the King and the Common-wealth ingenerall: for albeit that the ſtrict Rules of the Law demaundeth a ſealing and deliuerie of Deedes, and that the Bill cannon conueniently be made payable to the bearer of it, or be altered in another mans name as aboueſaid, neither can it be recouered by a Letter of Attorney, which in England is alwaies reuocable before the fact: Neuertheleſſe, if there were a Regiſter kept of the paſſing and transferring of theſe Bills from man to man, and by an indorſement thereof alſo vpon the Bill, it might be done with eaſe, and the bearer of it ſhould be acknowledged thereby to be the lawfull Attorney in Law; and by theſe meanes the vndecent Plea of *Non eſt factum* would be cut off. And, to preuent fraudulent dealing, if any Bills ſhould be loſt, notice might be giuen inſtantly to the Regiſter (which at Lixborne and Roan is called a Prothonotarie) by meanes whereof many queſtionable parcells or payments are made apparant, and the Bills for the moſt part doe remaine in the office at the diſpoſition of the laſt Aſſigne or Aſſignes; which is the cauſe alſo, that moſt vſually Bills are made for all things bought and ſold betweene parties and parties, whereby many payments are made by Reſcounter, as if it were in banke, hereafter to be declared; for Merchants do meet, and in a manner iumpe together in their ſaid payments. And hereby alſo may the difficultie (for the taking of an Acquittance as aforeſaid) be remoued, by entring an acknowledgement of ſatisfaction before the ſaid Regiſter, at the time of the transferring or regiſtring thereof. I haue taken paines to haue this to be eſtabliſhed here: but hetherto things are not rightly vnderſtood, as is to be wiſhed it were, whereby other nations haue ſtill an aduantage.

Office of Prothonotarie at Lixborne and Roan.

Reſcounter by Bills for payment.

CHAP.

## CHAP. XIII.

### *Of the nature of Bills Obligatorie beyond the Seas, and in England.*

SVch is the ſinceritie and *Candor Animi* amongſt Merchants of all nations beyond the ſeas, in the obſeruation of plaine dealing concerning the ſaid Bills Obligatorie betweene man and man, that no man dare preſume to queſtion his owne hand; for if he be ſtayned therewith, he is not only vtterly diſcredited, but alſo deteſted of all Merchants: The forme of the Bills being as followeth, onely *Mutatis mutandis.*

*Forme of Billes Obligatorie.*

I A. B. Merchant of Amſterdam doe acknowledge by theſe preſents to be truely indebted to the honeſt C. D. Engliſh Merchant dwelling at Middleborough, in the ſumme of fiue hundreth pounds currant money for merchandiſe, which is for commodities receiued of him to my contentment, which ſumme of fiue hundreth pound as aforeſaid, I do promiſe to pay vnto the ſaid C.D. (or the bringer hereof) within ſix months next after the date of theſe preſents: In witneſſe whereof I haue ſubſcribed the ſame at Amſterdam the 10 of Iulie 1622, *Stilo nouo.*

A.B.

In the Eaſt Countries, and ſometimes in the Low-countries they will put a ſeale to it, and then the word ſubſcribed and ſealed goeth together: but there is no mention made of any deliuerie or deed, for that is vnderſtood of courſe, in ſo much, that if for want of payment the Bill be put in ſuit, and the partie adiourned or cited to make his appearance: The Iudge (making no doubt of any ſuch matter) will inſtantly ſay to him, My friend, what is the reaſon that you haue not payed this your Bill to C.D? for to deliuer a Writing,

or a Bill as an * Eſcroll (as we ſay at the Common Law) is vnknowne vnto all Merchants there, and the bringer of the Bill (called with vs the bearer of it) ſhall be admitted to recouer the ſame without any Letter of Atturney, or other Warrant.

*Called *Apocha* or *Apodiſſa* by the Ciuilians.

Eſpecial notes concering Bils Obligatorie.

The Ciuile Law, and the Law Merchant do, require that the Bill ſhall declare for what the debt groweth, either for Merchandize, or for Money, or any other lawfull conſideration. The words Currant Money for merchandize, is, becauſe that Merchants for diuers reſpects tollerate commonly the moneys to go currant at a higher rate in the courſe of trafficke, than they are valued by publicke authoritie of Kings and Common-weales: And when the Bill mentioneth Money, it is taken to be Money at *depoſito* or intereſt; wherein is to be obſerued, That the intereſt muſt be ioyned with the principall ſumme, without any ſpecification, whereby it may be ſeparated or diſtinguiſhed, becauſe the debtor ſhall not pretend to pay the ſame at his beſt opportunitie and pleaſure; as may (thereupon) be done for money letten for loane, retaining ſtill the principall in his hands, and paying the intereſt from time to time, quarterly, or halfe yearely: for it is lawfull and accuſtomed, that although one hundreth pounds were taken vp for one whole yeare, after the rate of ten vpon the hundreth; the Debtor or Taker vp of it, may diſcharge the ſame at three moneths, if he will, paying one hundreth and two pounds ten ſhillings, vnleſſe the Bill made for the ſame be made paiable at a time limited, with a penaltie of a ſumme of money, called by the Ciuilians *Pœna Canonica*, which with vs in England is done vpon a Bond, with a forfeiture of halfe or double the ſumme of the principall, wherewith the intereſt is alſo ioyned without diſtinction, which may not exceed the rate of ten vpon the hundreth for the yeare, in the computation whereof, diuers things are to obſerued, as we ſhal declare hereafter.

Now if a Bill made beyond the ſeas be done by two, three, or more perſons, as hauing bought a commoditie as partners together, or taken vp moneys together at intereſt, wherein they bind themſelues all as principall Parties or Debtors; yet euerie man is but bound to pay his part. The like is, if one be bound, and two, or more do put their hand and ſeale, and vnder-write, and ſeale the ſaid Bill as Principals, yet paying their proportionable parts, they ſhall be cleered by the Ciuile Law, and the cuſtome of Merchants: but if they doe ſimply ſubſcribe, and ſay we are Sureties, then they are all bound for the whole, as if the words we or either of vs *in ſolidum* were expreſſed: which is the cauſe that in all notariall writings (onely vſed vpon queſtionable matters decided, or to be decided) they do not only bind the parties with theſe words, but they do alſo make a declaration of all renuntiations of priuiledges, and eſpecially of *exceptio diuiſionis*, and then it is one for all. *Exceptio ordinis & excuſſionis*, is to meddle with the Suerties before the Principall: Renouncing the Letters of *Adrian* the Emperour, for the ceſſions of goods, Prolongations of paiments, Vintages, or free Martes, all

Subſcription of Bills Obligatorie.

Renunciation of Priuiledges, and what they be.

Conſtitutions

Conſtitutions, Canons, Priuiledges, or Statutes and Acts of Parliament made or to be made, publiſhed or enacted; and in theſe caſes the debtor is alwaies to be bound with the Suerties in all Acts or Inſtruments made before Notaries. Renouncing alſo the benefit of *Senatus-conſultus*, or *Arreſt Velle Ioan*, for the prerogatiue of women, which vpon the deceaſe of their husbands doe claime their portion brought in by them in marriage, or their dower, or any thing elſe that may be alleaged or imagined.

In England, Billes Obligatorie being made payable to the partie, his Heires, Executors, Adminiſtrators, or Aſſignes, may conueniently be ſet ouer, as aforeſaid; becauſe the lawfull aſſignee ſhall bee of Record, and regiſtred alſo vpon the Bill, and if there bee two or more bound in a Bill, fraudulent dealing will be alſo better preuented; for by the Common Law, if one doe releaſe one of his Debtors (by way of acquittance) that is bound with others vnto him, they are all releaſed and acquited thereby, although there were neuer ſo little payed of the debt; inſomuch that a receit for parcell of the mony receiued of one of the debtors, being made in full payment of his part onely, doth neuertheleſſe diſcharge them all, as for example by woefull experience may be demonſtrated.

Acquitance to one diſchargeth the reſt.

Three Linnen Drapers of London, bought of a Merchant ſtranger 40 pieces of fine Hollands cloth, amounting to 160 ℔, and gaue their ioynt Bill for the payment of it at ſix moneths: one of them became inſoluent, and being impriſoned, made a compoſition with the Merchant for eight pounds, and thereupon had a generall acquitance made to him onely. Shortly after, the other two Linnen Drapers, being ſomewhat preſſed for the payment, and ingaged for the other, they did plead the other mans generall acquitance, which was but a receit made of the ſaid eight pound, expreſſing that is was in full of his part; and neuertheleſſe vpon triall in Law, it was adiudged to be a ſufficient diſcharge for them all, in nature of a generall acquitance. Theſe obſeruations at the Common Law, and ſuch like Booke caſes as I haue put downe, I hold to be neceſſarie for Merchants to know, albeit wee handle the Law-merchant in this Treatiſe, and not matters of the Common Law. If you take beyond the Seas any Bill Obligatorie for money deliuered vpon two or three liues, or for wagers or layes, which are conditionall, let the partie be put to prooue: if vpon proofe of liues, make the Bill payable at a day certaine, vnleſſe one of the parties were dead: whereby the partie is bound to pay, or elſe to prooue the deceaſe of the one: on the contrarie, if you make the Bill to be payed, if they be all aliue or liuing, then muſt you prooue they be liuing. To conclude, *Abundans Cautela non nocet.* Finally, if a Bill be thirtie yeeres old, and neuer demanded or queſtioned, it is void by the Ciuile Law, and the Law or Cuſtome of Merchants doth not take any knowledge thereof.

Bills Obligatory vpon two or three liues.

CHAP.

## CAHP. XIIII.

### *Of Letters of Credit and Blankes signed.*

THE Credit of Merchants is so delicate and tender, that it must bee cared for as the apple of a mans eye: Hence it doth proceed that Letters of Credit are had in such reputation, that the giuer of them will bee well aduised before hee doe make them; and the partie to whom they are directed, will bee carefull to accompliſh them, for it doth concerne both their Credits: The giuers Credit of the Letters, will bee had in queſtion of inſufficiencie, known to the other that he doth not accompliſh them, or he that doth not performe them may bee thought to be weake and to want meanes to doe the ſame. To make Letters of Credit, is properly a Participation of Credit to another, which is performed as followeth. A Merchant doth ſend his friend or his ſeruant (either within the Land or beyond the Seas) to buy ſome commodities, or to take vp money for ſome purpoſe, and doth deliuer vnto him an open Letter, directed to another Merchant, requiring him that if his friend ſuch a one, the Bearer of that Letter (being either his friend or ſeruant) haue occaſion to buy commodities, or to take vp monyes to the value of ſo many hundreths, or ſo many thouſand pounds in that place or thereabouts; that hee will either procure him the ſame, or paſſe his promiſe, Bill, or Bond for it, and hee will prouide him the money, or pay him by exchange, or giue him ſuch ſatiſfaction as hee ſhall require: the partie to whom this Letter is directed will accordingly doe his endeuour and performe the requeſt of the other, and keepe the Letter for his aſſurance or ſecuritie, and what hee doth thereupon vndertake, is made apparant by ſuch Writings or Euidences as hee taketh of the ſaid Bearer of the Letter, that thereupon hee may bee well dealt withall accordingly. But if it ſhould fall out, that for ſome knowen cauſe to this partie, he doth not accompliſh his requeſt contained in the ſaid Letters of Credit: Then the Bearer of the ſame keepeth the ſaid Letters, and returneth them vnto the giuer, without any other proceeding; vnleſſe it be in caſe where this partie is a debtor to him that gaue the Letters of Credit, and then he muſt take witneſſes of it, and with a Scriuenor or Notarie make a Proteſt againſt him, proteſting

Definition of Letters of Credit.

Proteſts for the non-performance of Letters of Credit.

proteſting to recouer of him (by all lawfull and conuenient meanes) all the damages, charges, and intereſt, which hee or any other ſhall ſuſtaine thereby, by reaſon of the nonperformance of the ſaid Letters of Credit, and that in time and place as occaſion ſhall ſerue; which Proteſt is a ſufficient meane amongſt Merchants, and before any Iudges of the Ciuile Law, to recouer the ſame, vpon proofe at all times accordingly. But if the partie to whom theſe Letters of Credit were directed do make a reaſonable anſwere for his excuſe, and requireth the Scriuenor to put downe the ſame in the Act or Inſtrument of the ſaid Proteſt; then is the cauſe conſidered withall, and the loſſes and damages may fall vpon another: for if the giuer of the ſaid Letters of Credit, were a debtor to the other that did receiue them, to bee payed by them, either by commodities to bee bought, or monyes to bee taken vp, as aforeſaid; then the ſaid Proteſt may ſerue the receiuer of the ſaid Letters of Credit to recouer his damages of him that gaue him the ſame: wherein the Magiſtrates will haue a great conſideration, as a matter whereby the Commerce is interrupted, which is the cauſe alſo that men muſt bee aduiſed on the other ſide, not to bee too raſh to affirme the goodneſſe or ſufficiencie of another mans Eſtate, Credit, or Reputation, whereby a third man becommeth a loſer, loſſe being the greateſt hinderer of Trafficke and Trade. The Ciuilians therefore haue a Title in their Lawes, which is ſtrictly obſerued, as you ſhall vnderſtand hereafter.

The Signing of Blankes, is alſo a Cuſtome amongſt Merchants, whereby they ſtrengthen the credit of their Factors or Seruants in the like occaſions, which is a matter of great confidence, conſidering the eaſie transferring of Billes alreadie ſpoken of. For a Merchant ſetting his name to a Blanke paper, his Factor or Seruant hath an abilitie to wrong his Maſter many wayes. Therefore ſuch as are prouident doe reſtraine that power by certaine Couenants or Declarations, and yet the ſame (being knowne vnto the parties that doe make vſe of the ſaid Blankes) might become ſcrupelous thereupon to be well dealt withall, howſoeuer, we ſee what honeſt and plaine dealing is vſed amongſt Merchants, and what aduentures they beare to compaſſe their buſineſſes. A Merchant of Antuerp will ſend his Seruant at Amſterdam to buy him 500 Laſt of Corne, vpon aduice he hath that Corne is ſpoiled, or the Harueſt faileth in Spaine, Portugall, and other places: and becauſe he is vncertaine what his Seruant can effect, doubting that other men might haue the like aduice, and preuent him; hee deliuereth Blanke paper by him ſubſcribed, with order to his ſaid Seruant, that hee ſhall vpon ſuch an occaſion, write his Letter vpon the ſaid paper to ſuch a man, his Factor at Danſicke in the Eaſt Countries, to buy for him the quantitie of Corne which he cannot buy at Amſterdam, and ſhall date the Letter, as if himſelfe had written the ſame. The Factor of Danſicke doth preſently performe the Commiſſion giuen him, and ſo the buſineſſe is accompliſhed.

Great confidence among Merchants.

compliſhed. But in this the confidence may bee as great, as in the making of Billes Obligatory, and yet the aduenture farre inferiour thereunto; for vpon theſe Blankes, there is an Addition to the name, or a Precedence in words, namely, Your louing friend, *A. B.* &c. which is impertinent, and not to bee vſed in Billes of Debt. Herein we may conſider a neceſſitie to giue Blankes, not only becauſe of the Maſters Credit requiſite; but alſo becauſe of the vncertaintie in the finding of the quantitie of Corne which was to be bought.

## CHAP. XV.

### *Of Letters of Attorney, or Procurations and Tranſports, or Conueyances.*

A definition of a Letter of Atturney, &c.

A Letter of Attorney, is an Act publikely done before a Notarie or Scriuenor, whereby one man giueth power and authoritie of himſelfe vnto another man, by way of Deputation to doe, execute, and performe for him any lawfull thing, which he himſelfe (being the Conſtituant) might or may (aſwell preſent, as abſent) doe, conclude, and determine in all cauſes Ciuile and Politike; with power alſo to Subſtitute one or more perſons to doe the ſame vnder him, in the ſaid firſt Conſtituants name; and to ſweare in the ſoule of him, if cauſe ſo require: albeit the ſaid Letters of Attorney doe differ in the manner and forme, as well as in the Subſtance, which muſt be obſerued. They are called beyond the Seas Procurations, to procure or effect that which a man would haue commonly in an other place, and in matter of Authoritie for Law Cauſes, they goe one degree further than Letters of Credit, becauſe the Law doth require the ſame, to the end that the Authoritie or Power of the partie Conſtituted, may publikely appeare: wherein a Letter Miſſiue is not ſufficient, as the ſame is in things concerning the ordinarie courſe of Negotiations and dealings betweene Merchants, which by the Law-merchant are of great validitie.

Procurations irreuocable.

Procurations generally, or for the moſt part, containe the word Irreuocable; implying that Power giuen ſhould endure for euer, and ſo it is taken beyond the Seas. But by the Common Law the words are vſed, *Pro forma*, and a Procuration or Letter of Atturney, is reuocable at all times, vnleſſe it bee that the ſaid Letter of Atturney doe

do containe a Tranſport of ſome thing which is conueyed thereby: As if a man do conſtitute another for the recouering of certaine moneyes for the parties owne proper vſe, without account to be rendred for the ſame, and the ſaid partie hath recouered the ſaid moneys by vertue of it. This Letter of Attorney cannot be reuoked to any purpoſe, the effect being fully performed which was the cauſe thereof. So beyond the ſeas, if you make a Letter of Attorney to a Procurator in Law, to follow a cauſe for you in Law, although the ſame be made irreuocable, yet vpon good cauſe you may reuoke the ſame, and appoint another to follow the cauſe: but it is commonly done with leaue of the Court where the cauſe is conſiſting or depending, and becauſe the intimations and citations are to be done at ſuch times as the cauſe may require, the nomination of ſome place, as it were to chuſe a Domicilium muſt be done, but the power may be limited. An Attorney may haue authoritie to conuict a man by law for the recouerie of money or goods, and to proceed to execution by impriſoning of the Debtor; yet he ſhall haue no power to releaſe him out of priſon, without further authoritie; ſo in the receiuing of goods or money, wherein euerie man is to vſe his diſcretion, as the cauſe may require.

Procurations with a limited power.

A Merchant may alſo make a Letter of Attorney to a Notarie beyond the ſeas, and thereby to giue him power to make any inſinuation, or intimation, or proteſt, againſt any other Merchant there, to ſerue him in all occaſions or occurrences concerning the matter in queſtion. For a Procuration is beyond the ſeas of that validitie, that the partie who hath the ſame, and is the Procurator, is taken in law as abſolute as the Conſtituant, and many ſundrie proceedings may be vſed againſt him accordingly, by Citations, Intimations, Proteſts, Recoueries of goods deliuered formerly, and recalled backe againe, or the value thereof vpon any Attachments or Sequeſtrations, which cannot be done againſt a mans Factor or Seruant: therefore they that haue Procurations are to be carefull of the diſpoſſeſſing of themſelues of any goods, or moneys receiued, to be cleered by the Law, which happeneth commonly of goods taken vpon the ſeas, or ſequeſtred in any Harbour, by vertue of a Letter of Attorney or Procuration.

A caueat for Procurators.

The Ciuilians intreating of Procurations or Conſtitutions vnder *Titulus Mandati*, haue well obſerued, that commandements haue their originall from friendſhip, or out of authoritie of office and place, and that the ſame are diligently to be executed and kept: and hereupon they haue alſo noted diuers queſtions and propoſitions, *Nos igitur pauca tractabimus ad rem, de qua agitur, pertinentia.*

The originall of *Mandata.*

A.B. willed C.D. his debtor to pay vnto E.F. one hundred pounds which he did owe him, C.D. did not pay the ſaid money, but promiſed to pay the ſame. *Queritur* whether C.D. hath performed the commiſſion or commandement giuen him, and whether he be diſcharged of the debt; as alſo whether this order or commiſſion can be reuoked?

A.B.

A.B. owing the like ſumme to E.F. Herein C.D. hath not performed his commiſſion, which was to pay, and not to promiſe the payment of the hundreth pounds, and therefore the ſaid Commiſſion might be reuoked, and C.D. was not diſcharged of the debt, for the matter was entire, and all entire Commiſſions are reuocable. *Mandatum enim re integrâ, reuocari poteſt, & res eſt integra, & ſi ſtipulatio promiſſione interuenerit cum id non mandauerim.* For if C.D. ſhould breake or become inſoluent, E.F. would come to A.B. his debtor, to haue ſatisfaction for the ſaid money, and C.D. was not diſcharged of the debt owing vnto A.B. But if E.F. had taken his promiſe for paiment, then vpon proofe made of it, the caſe is cleere.

It is a queſtion alſo, whether a Procurator hauing commiſſion to receiue moneys which were owing or lent, and to giue an Acquittance for the ſame; and receiuing the money without making an Acquittance, haue performed his commiſſion: And the anſwere is, That he hath not performed the ſame, becauſe he made no Acquittance, as he was willed to do, *Aliud eſt enim confeſſio, aliud numeratio.* Albeit the Acquittance did not concerne the Procurator, but the partie who repaied the money.

Another caſe they handle at large, *Bartholomew* did make and conſtitute *Nicholas* to be his Procurator or Agent, in the buying of commodities, to the value of fiue thouſand crownes; and he the Conſtituant to be anſwerable for the price and totall ſumme of fiue thouſand crownes: and withall giuing full power and authoritie vnto the ſaid *Nicholas*, that his procuration ſhall be good and auaileable, during the liues of the honeſt perſons *Gerome*, *Iohn*, and *Angell*, of whom the ſaid Conſtituant had his Commiſſion, and that they alſo together and apart *inſolidum* ſhould be bound for the performance, and himſelfe alſo. *Nicholas* the Procurator by the commiſſion of *Ierome*, *Iohn*, and *Angell*, as alſo of *Bartholomew*, cauſed by an Inſtrument (or Act paſt before a Notarie) the ſaid parties to be named in the contract, and thereby bindeth them vnto *Titus* and *Mevius*, for the commodities bought of them to the value or ſumme of fiue thouſand crownes. But *Bartholomew* is not named in the article wherby the other parties are bound in the couenant; whereupon ſome would conclude, that for want of forme *Bartholomew* was not bound to the payment, although by commiſſion of the other three he had conſtituted and made *Nicholas* to be the Procurator. The rule in Law being, *Quod vna determinatio reſpiciens plura determinabilia, æqualiter terminare debet.* And herein is the intention and will of all the contractors more to be regarded than the conceit of words, which cauſeth Merchants to be accounted cauillors, and to loſe much of their credit and reputation.

In Procurations the will of the Conſtituant is to be regarded.

It is alſo a cuſtome amongſt Merchants, that if the Maſter (knowing that his Procurator hath exceeded his Commiſſion) be ſilent, the ſame is taken for a conſent; the rather becauſe Procurations (commonly running in generall words, whereby Factors are directed) do comprehend all things which (of courſe) are to be done touching

moneys

moneys or paiment of exchanges for moneys.

The queſtion therefore to know whether a Procurator (hauing commiſſion to ſell commodities, or to let them to hire at a price) hath authoritie to receiue the money or hire, may be thought friuolus: for the buyer in matter of ſale of commodities in market ouert, hath no regard to the Procurations or Commiſſions giuen to the ſeller of the ſaid commodities.

The like may be vnderſtood in this queſtion following, Whether a Merchant (ſelling Cloth vnto an Abbot to cloath his Friers or Monkes) ſhall not be ſatisfied and payed for his cloth, although the Abbot did diuert and imploy the ſame afterwards to another vſe? For the vſe is no matter to be regarded by the Merchant, but the payment of his Cloth. If a man buying Paper for the printing of a booke, doth not print the booke, and ſelleth the Paper vnto another Merchant? that is no cauſe but he muſt pay for the Paper, whereof no man ought to make doubt.

If a Merchant maketh a Procurator, or by letters giueth credit to negotiate ſome buſineſſe with another Merchant; if this Merchant do take exception to the procuration and letters, and maketh doubt whether the partie that brought the ſame be the right man: the Procurator is not bound to make any further proofe; but the partie excepting againſt him is to make good his aſſertion, and to proue the ſame by the Law and Cuſtome of Merchants. Doubts in procurations by whom to be proued &c.

Another queſtion is moued, whether a Merchant that hath commiſſion to receiue a ſumme of money, and to pay the ſame vnto another, and beſides to pay the intereſt due vnto the partie to whom he paied that money, is bound to proue what intereſt he payed, and to whom he paied that intereſt or vſe money: it ſeemeth *Prima fronte*, that the Merchant is bound to name the partie to whom he paied the ſaid vſe money; and yet there is doubt made whether he ſhould pay it without he were compelled thereunto as a thing vnlawfull; and therefore the Commiſſion or Order the Merchant had, is not to be contradicted, but muſt be allowed without any other proofe, for this queſtion is ſo reſolued by the Ciuilians, and where the proofe is not needfull, there the nomination of the perſons to whom it was paied is to no purpoſe, according to the rule *Qui non tenetur probare, non tenetur nominare.*

It is alſo worthie the obſeruation, that generally all Ciuilians do concur in opinion, That when Merchants by their Letters or Commiſſions vſe theſe or the like words, *Let all things bee done as ſhall bee thought moſt expedient or conuenient*, that the ſaid Commiſſions or Directions are to be left to the interpretation of Arbitrators when any queſtion ariſeth; which is alſo in many more queſtions concerning Merchants noted in moſt of their Law bookes: hereof we intend (God willing) to intreat more amply in the next chapter concerning Factors and Seruants, and the Commiſſions giuen them, &c. Commiſſions ſubiect to Arbitrators.

The ordinarie rule of Procurations in things compleat and not

effected, is vnderſtood to end with the death of the Maſter or Merchant that giueth ſuch procurations, albeit there are many exceptions: for a Procuration may be made to endure after his death, which kind of Procurations the Florentines and other nations confirme by their laſt wills & teſtaments, which neuertheles are to be vnderſtood that the ſtate of an heire be not impaired thereby, wherein the Law interpoſeth her authoritie. And for a generall rule in all peremptorie and abſolute Procurations or Commiſſions, it muſt be knowne that the like authoritie is vſed to preuent many inconueniencies, hauing a vigilant care that equitie be maintained.

Procurations to continue after death &c.

And that all Merchants or Procurators for Merchants, are to accompliſh the lawfull Commiſſions giuen them, and meanes thereunto being prouided, or elſe to anſwere the damages which the parties ſhall receiue by the default thereof. Thoſe therfore that without any Commiſſion do vndertake things which bring loſſes vnto the parties are much to be blamed, and by a fuller meaſure to anſwere for the ſame, or to make by gaine a recompence for the loſſes, as occaſion ſerueth.

*De Conſtituto.*

Some that haue written *de Conſtituto* haue moued queſtions, Whether it be lawfull to take penalties or forfeitures, if the Conſtituant do bind himſelfe to performe or elſe to looſe a certaine ſumme of money? Others, whether a Commiſſion ſhall be executed by an ordinarie meſſenger? Others, whether it bee conuenient to vſe the words, *You ſhall giue him full credit and truſt in what he hath vndertaken to doe?* How long the Commiſſions ſhall endure, if there be no time limited? and the like queſtions: which vpon due conſideration are eaſily reſolued, and (in my opinion) impertinent to trouble Merchants with them. Such only as are materiall ſhall be handled in the following Chapter.

(***)

CHAP.

## CHAP. XVI.

### *Of Factors and Seruants, and Commiſsions giuen vnto them.*

THE difference betweene a Factor and a Seruant conſisteth chiefly in this, That a Factor is created by Merchants Letters, and taketh Salarie or prouiſion of Factoridge: But a Seruant or an Apprentiſe, is by his Maſter entertained, ſome receiuing wages yearely, and ſome others without wages. a Factor is bound to anſwere the loſſe which happeneth by ouerpaſſing or exceeding his Commiſſion; whereas a Seruant is not, but may incurre his Maſters diſpleaſure. For albeit that the Spaniſh Prouerbe is *Quien Paſſa comiſsion, pierde Prouiſion*, that hee that exceedeth his Commiſſion ſhall loſe his Factoridge. The caſe is altered long ſince by the Cuſtome of Merchants, and now it is *Su bolca lo paga*, his purſe doth pay for it. Factors therefore muſt bee very carefull, to follow the Commiſſions giuen them, very orderly and punctually; and becauſe Merchants are not able to preſcribe euerie thing, ſo exactly vnto their Factors as is conuenient, it behoooueth them to make good choice of the perſons which they doe imploy, for their welfare dependeth vpon Trafficke; otherwiſe, the Factor groweth rich and the Merchant poore, becauſe his gaine of Factoridge is certaine, howſoeuer the ſucceſſe of Merchants imployment doth prooue. But hauing a good Factor, which word (Good) implyeth all and more than an honeſt Factor, who may bee honeſt and neuertheleſſe ſimple in his proceedings, and others alſo may be wiſe and not honeſt. This Good Factor therefore may bee truſted, and all Commiſſions giuen vnto him may be ample, with addition of theſe words, *Diſpoſe, doe, & deale therein as if it were your owne*; & this being ſo found; the Factor is to be excuſed, although it ſhould turne to loſſe, becauſe it is intended hee did it for the beſt according to his diſcretion, which is and ought to be the trueſt director, making a conſcience to ſee their Maſters loſſe, if they can preuent it: but being limited to the contrarie, they can but grieue, when their counſell and aduice doth not take place, either in the ſelling of commodities in time, foreſeeing a greater loſſe, or buying ſome commodities deere ouer haſtily, as alſo in keeping a commoditie without purloyning the ſame; ſometimes vpon a paſſionate humour, as a Merchant of Amſterdam did of late yeares to

Alteration of the caſe with Factors.

Ample Commiſſions with an addition.

A Paſſionate Commiſſion.

his Factor in London, for being a loſer by ſome Spaniſh Wines, by writing in theſe words, My will is that vpon the receit of this my Letter, you goe to the next Ironmonger and buy a Hammer, and run into the Sellor, and ſtrike out the heads of all the Butts of Wine, and let it run into the Sellors: For ſeeing the deuill hath eaten the horſe, let him haue the bridle too. The Factor did herein vſe his diſcretion and kept the Wines, which he afterwards ſold to benefit; for he remembred that loſers haue leaue to ſpeake.

Difference by Law betweene a Factor and a Seruant.

Factors doe deale moſt commonly for diuers men, and euery man beareth the hazard of their actions; but if a Seruant doe deale for others by his Maſters direction, and they breake, the Seruant can be no loſer, for hee is taken to haue no other credit but his Maſters, which is the cauſe that Intimations, Citations, Attachments, and other lawfull courſes are executed againſt Seruants, and take no place againſt Factors vnleſſe they haue Procurations. Now let vs ſet downe ſuch obſeruations as Factors ought to know.

### *Obſeruations concerning Factors.*

IF a Factor do ſell at one time vnto one man ſeuerall parcells of commodities or goods belonging to diuers mens accounts, to be paied iointly in one or more paiments, without any diſtinction made by the buyer for what parcels he payeth any ſumme in part of payment of the ſaid debt, weekely or monethly, as ſhop-keepers do; then is the ſaid Factor to make a proportionable diſtribution of the moneys ſo receiued vpon euerie mans account, according to the ſumme that euerie mans parcell did amount vnto, vntill all be paied: and if any loſſe doth happen, or that all be not paied, the ſaid loſſe is to be diſtributed vpon euerie mans account accordingly.

Commodities bought and ſold.

If a Factor do ſell afterwards more goods to the ſaid man, or any other who is alreadie indebted for other commodities formerly bought, as aforeſaid, bee it for his owne account, or other mens accounts, and in the *Interim* receiue ſome more monyes in part of payment and account betweene them; then is the ſaid Factor to diſtribute the ſaid monyes as before, vntil the ſaid old and precedent debt be firſt payed, vnleſſe there were cauſe of controuerſie for them, or that the payment were indorſed vpon the Bill made for the later goods ſold vnto that man: for that Bill may bee transferred or ſet ouer vnto another man, and ſo is not hee the receiuer of that money, but the other man.

If a Factor doe ſell goods to another man payable at time for his owne account, and receiueth the money for the ſame at the time of payment, and in the meane time letteth other mens monyes remaine in that mans hands vnpayed, for goods by him formerly ſold; this Factor is to be anſwerable for that money vnto thoſe other men, although hee ſhould neuer recouer one penny of it. For hee cannot (without fraud) beare with the non-payment of other mens monies

after

after they be due, and procure the payment of his owne money, to another mans losse and preiudice.

In like case, if a Factor doe sell vnto a man certaine goods of another mans account, either by it selfe or amongst other parcells, and this Factor giueth not aduice to the owner or proprietarie of the sale of the said goods, but afterwards (hauing had more dealings with that man in selling of goods and receiuing of monyes) this man becommeth insoluent; The Factor is to make good that debt for the said goods so sold, because hee gaue no aduice to the owner of the sale of the said goods at conuenient time, euen as if he had sold those goods vnto a man contrarie to the Commission giuen vnto him; for the Salarie of Factoridge bindeth him thereunto.

If a Factor by order or Commission of a Merchant, doe buy any Commodities aboue the price limited vnto him by the said Merchant, or that they bee not of that sort, goodnesse, or kind, as he is willed to doe: This Factor is to keepe the same for his owne account, and the Merchant may disclaime the buying of them. The like hee may doe, if the Factor (hauing bought a commoditie according to his Commission) doe ship the same for another place than he hath Commission to doe.

If a Factor doe sell a commoditie vnder the price limited vnto him; he is to make good the losse or difference of the price, vnlesse he can giue a sufficient reason of his doing so: wherein hee is to consider the disposition of the Merchant for whom hee dealeth, as is before noted.

If a Factor buy commodities according to his Commission, and afterwards the price of them riseth, and thereupon (fraudulently) hee ladeth them for another place, contrarie to his Commission, to take the benefit thereof: in this case the Merchant shall recouer damages against the Factor by the Custome of Merchants, vpon proofe made thereof.

If a Factor, by the aduice of a Merchant, doe buy a commoditie for that Merchants account, with the said Merchants mony, or by his credit; and the Factor giueth no aduice of the buying of it to the said Merchant, but doth sell the same againe for his owne benefit and gaine: the Merchant shall recouer this benefit of the said Factor, by the Office of Prior and Consulls, according to the Custome of Merchants, and shall be moreouer amerced for his fraud.

If the Factor do sell another mans commoditie to a man discredited, who cannot vsually (as before) buy commodities at the ordinarie price as other men, and it falleth out that this man breaketh; the Factor shall pay for the said goods, as shall be thought they were worth, vnlesse hee can prooue that hee was ignorant of the parties weake estate and credit, or that hee sold him goods of his owne account also, which argueth plaine dealing, or that hee had Commission of the other man to deale for him, as if it were for his

his Factor in London, for being a loſer by ſome Spaniſh Wines, by writing in theſe words, My will is that vpon the receit of this my Letter, you goe to the next Ironmonger and buy a Hammer, and run into the Sellor, and ſtrike out the heads of all the Butts of Wine, and let it run into the Sellors: For ſeeing the deuill hath eaten the horſe, let him haue the bridle too. The Factor did herein vſe his diſcretion and kept the Wines, which he afterwards ſold to benefit; for he remembred that loſers haue leaue to ſpeake.

*Difference by Law betweene a Factor and a Seruant.*

Factors doe deale moſt commonly for diuers men, and euery man beareth the hazard of their actions; but if a Seruant doe deale for others by his Maſters direction, and they breake, the Seruant can be no loſer, for hee is taken to haue no other credit but his Maſters, which is the cauſe that Intimations, Citations, Attachments, and other lawfull courſes are executed againſt Seruants, and take no place againſt Factors vnleſſe they haue Procurations. Now let vs ſet downe ſuch obſeruations as Factors ought to know.

### *Obſeruations concerning Factors.*

IF a Factor do ſell at one time vnto one man ſeuerall parcells of commodities or goods belonging to diuers mens accounts, to be paied iointly in one or more paiments, without any diſtinction made by the buyer for what parcels he payeth any ſumme in part of payment of the ſaid debt, weekely or monethly, as ſhop-keepers do; then is the ſaid Factor to make a proportionable diſtribution of the moneys ſo receiued vpon euerie mans account, according to the ſumme that euerie mans parcell did amount vnto, vntill all be paied: and if any loſſe doth happen, or that all be not paied, the ſaid loſſe is to be diſtributed vpon euerie mans account accordingly.

*Commodities bought and ſold.*

If a Factor do ſell afterwards more goods to the ſaid man, or any other who is alreadie indebted for other commodities formerly bought, as aforeſaid, bee it for his owne account, or other mens accounts, and in the *Interim* receiue ſome more monyes in part of payment and account betweene them; then is the ſaid Factor to diſtribute the ſaid monyes as before, vntil the ſaid old and precedent debt be firſt payed, vnleſſe there were cauſe of controuerſie for them, or that the payment were indorſed vpon the Bill made for the later goods ſold vnto that man: for that Bill may bee transferred or ſet ouer vnto another man, and ſo is not hee the receiuer of that money, but the other man.

If a Factor doe ſell goods to another man payable at time for his owne account, and receiueth the money for the ſame at the time of payment, and in the meane time letteth other mens monyes remaine in that mans hands vnpayed, for goods by him formerly ſold; this Factor is to be anſwerable for that money vnto thoſe other men, although hee ſhould neuer recouer one penny of it. For hee cannot (without fraud) beare with the non-payment of other mens monies

after

after they be due, and procure the payment of his owne money, to another mans losse and preiudice.

In like case, if a Factor doe sell vnto a man certaine goods of another mans account, either by it selfe or amongst other parcells, and this Factor giueth not aduice to the owner or proprietarie of the sale of the said goods, but afterwards (hauing had more dealings with that man in selling of goods and receiuing of monyes) this man becommeth insoluent; The Factor is to make good that debt for the said goods so sold, because hee gaue no aduice to the owner of the sale of the said goods at conuenient time, euen as if he had sold those goods vnto a man contrarie to the Commission giuen vnto him; for the Salarie of Factoridge bindeth him thereunto.

If a Factor by order or Commission of a Merchant, doe buy any Commodities aboue the price limited vnto him by the said Merchant, or that they bee not of that sort, goodnesse, or kind, as he is willed to doe: This Factor is to keepe the same for his owne account, and the Merchant may disclaime the buying of them. The like hee may doe, if the Factor (hauing bought a commoditie according to his Commission) doe ship the same for another place than he hath Commission to doe.

If a Factor doe sell a commoditie vnder the price limited vnto him; he is to make good the losse or difference of the price, vnlesse he can giue a sufficient reason of his doing so: wherein hee is to consider the disposition of the Merchant for whom hee dealeth, as is before noted.

If a Factor buy commodities according to his Commission, and afterwards the price of them riseth, and thereupon (fraudulently) hee ladeth them for another place, contrarie to his Commission, to take the benefit thereof: in this case the Merchant shall recouer damages against the Factor by the Custome of Merchants, vpon proofe made thereof.

If a Factor, by the aduice of a Merchant, doe buy a commoditie for that Merchants account, with the said Merchants mony, or by his credit; and the Factor giueth no aduice of the buying of it to the said Merchant, but doth sell the same againe for his owne benefit and gaine: the Merchant shall recouer this benefit of the said Factor, by the Office of Prior and Consulls, according to the Custome of Merchants, and shall be moreouer amerced for his fraud.

If the Factor do sell another mans commoditie to a man discredited, who cannot vsually (as before) buy commodities at the ordinarie price as other men, and it falleth out that this man breaketh; the Factor shall pay for the said goods, as shall be thought they were worth, vnlesse hee can prooue that hee was ignorant of the parties weake estate and credit, or that hee sold him goods of his owne account also, which argueth plaine dealing, or that hee had Commission of the other man to deale for him, as if it were for his

his Factor in London, for being a loſer by ſome Spaniſh Wines, by writing in theſe words, My will is that vpon the receit of this my Letter, you goe to the next Ironmonger and buy a Hammer, and run into the Sellor, and ſtrike out the heads of all the Butts of Wine, and let it run into the Sellors: For ſeeing the deuill hath eaten the horſe, let him haue the bridle too. The Factor did herein vſe his diſcretion and kept the Wines, which he afterwards ſold to benefit; for he remembred that loſers haue leaue to ſpeake.

Difference by Law betweene a Factor and a Seruant.

Factors doe deale moſt commonly for diuers men, and euery man beareth the hazard of their actions; but if a Seruant doe deale for others by his Maſters direction, and they breake, the Seruant can be no loſer, for hee is taken to haue no other credit but his Maſters, which is the cauſe that Intimations, Citations, Attachments, and other lawfull courſes are executed againſt Seruants, and take no place againſt Factors vnleſſe they haue Procurations. Now let vs ſet downe ſuch obſeruations as Factors ought to know.

### *Obſeruations concerning Factors.*

IF a Factor do ſell at one time vnto one man ſeuerall parcells of commodities or goods belonging to diuers mens accounts, to be paied iointly in one or more paiments, without any diſtinction made by the buyer for what parcels he payeth any ſumme in part of payment of the ſaid debt, weekely or monethly, as ſhop-keepers do; then is the ſaid Factor to make a proportionable diſtribution of the moneys ſo receiued vpon euerie mans account, according to the ſumme that euerie mans parcell did amount vnto, vntill all be paied: and if any loſſe doth happen, or that all be not paied, the ſaid loſſe is to be diſtributed vpon euerie mans account accordingly.

Commodities bought and ſold.

If a Factor do ſell afterwards more goods to the ſaid man, or any other who is alreadie indebted for other commodities formerly bought, as aforeſaid, bee it for his owne account, or other mens accounts, and in the *Interim* receiue ſome more monyes in part of payment and account betweene them; then is the ſaid Factor to diſtribute the ſaid monyes as before, vntil the ſaid old and precedent debt be firſt payed, vnleſſe there were cauſe of controuerſie for them, or that the payment were indorſed vpon the Bill made for the later goods ſold vnto that man: for that Bill may bee transferred or ſet ouer vnto another man, and ſo is not hee the receiuer of that money, but the other man.

If a Factor doe ſell goods to another man payable at time for his owne account, and receiueth the money for the ſame at the time of payment, and in the meane time letteth other mens monyes remaine in that mans hands vnpayed, for goods by him formerly ſold; this Factor is to be anſwerable for that money vnto thoſe other men, although hee ſhould neuer recouer one penny of it. For hee cannot (without fraud) beare with the non-payment of other mens monies

after

after they be due, and procure the payment of his owne money, to another mans losse and preiudice.

In like case, if a Factor doe sell vnto a man certaine goods of another mans account, either by it selfe or amongst other parcells, and this Factor giueth not aduice to the owner or proprietarie of the sale of the said goods, but afterwards (hauing had more dealings with that man in selling of goods and receiuing of monyes) this man becommeth insoluent; The Factor is to make good that debt for the said goods so sold, because hee gaue no aduice to the owner of the sale of the said goods at conuenient time, euen as if he had sold those goods vnto a man contrarie to the Commission giuen vnto him; for the Salarie of Factoridge bindeth him thereunto.

If a Factor by order or Commission of a Merchant, doe buy any Commodities aboue the price limited vnto him by the said Merchant, or that they bee not of that sort, goodnesse, or kind, as he is willed to doe: This Factor is to keepe the same for his owne account, and the Merchant may disclaime the buying of them. The like hee may doe, if the Factor (hauing bought a commoditie according to his Commission) doe ship the same for another place than he hath Commission to doe.

If a Factor doe sell a commoditie vnder the price limited vnto him; he is to make good the losse or difference of the price, vnlesse he can giue a sufficient reason of his doing so: wherein hee is to consider the disposition of the Merchant for whom hee dealeth, as is before noted.

If a Factor buy commodities according to his Commission, and afterwards the price of them riseth, and thereupon (fraudulently) hee ladeth them for another place, contrarie to his Commission, to take the benefit thereof: in this case the Merchant shall recouer damages against the Factor by the Custome of Merchants, vpon proofe made thereof.

If a Factor, by the aduice of a Merchant, doe buy a commoditie for that Merchants account, with the said Merchants mony, or by his credit; and the Factor giueth no aduice of the buying of it to the said Merchant, but doth sell the same againe for his owne benefit and gaine: the Merchant shall recouer this benefit of the said Factor, by the Office of Prior and Consulls, according to the Custome of Merchants, and shall be moreouer amerced for his fraud.

If the Factor do sell another mans commoditie to a man discredited, who cannot vsually (as before) buy commodities at the ordinarie price as other men, and it falleth out that this man breaketh; the Factor shall pay for the said goods, as shall be thought they were worth, vnlesse hee can prooue that hee was ignorant of the parties weake estate and credit, or that hee sold him goods of his owne account also, which argueth plaine dealing, or that hee had Commission of the other man to deale for him, as if it were for his

owne proper goods, as hath beene declared. And yet in this case
Barter. hee cannot barter any of the said commodities for other commodities, but hee must haue expresse commission and order for it from the Merchant; neither can hee transferre or set ouer any
Bills of Debt. Bills Obligatorie in nature before declared: For albeit this manner of Commissions giuen to Factors is very large, yet it containeth certaine restrictions and limitations, in euery Merchants vnderstanding.

If a Factor shall by a false Entrie in the Custome house, either vnawares or of purpose, conceale part of the Custome
Customes. without consent or priuitie of the Merchant, whereby the goods become forfeited to the Prince; the said Factor shall beare the losse of them, and answere the value thereof vnto the Merchant, as they did cost, if it be for goods to be transported; or as they might haue been sold, if it be for goods to be imported.

If a Factor or Merchant, doe colour the goods of Merchant Strangers in paying but Englisn Customes, (although he did beare the aduenture of the Seas for the said goods) he runneth into a *Præmunire*, and forfeiteth all his goods vnto the King, and his bodie to perpetuall imprisonment.

If a Factor, by a Letter of aduice, or by an Inuoyce of commodities which the Merchant sendeth, doe make a short entrie into the Custome house, the goods not entred shall be lost, but the Factor cannot be charged with the same.

If a Factor make returne vnto a Merchant for the prouenue of his
Prohibited commodities. commodities sold, in prohibited goods which may not be exported, and haue no Commission from the Merchant to doe the same; hee shall beare the losse of those goods, if they be seized vpon for the King, or taken as forfeited: But if it be vpon commodities to bee imported, the Factor is in no fault; howbeit hee ought to giue aduice vnto the Merchant, what commodities are forbidden to bee imported, or exported, according to the pleasure of Princes, which are absolute gouernours in their Hauens, Harbours, Ports, or Creekes.

Monyes. If a Factor commit any vnlawfull Act, by the direction of the Merchant, be it for the transportation of Gold or Siluer into the parts beyond the Seas, or otherwise; and if it happen thereupon that the same bee taken, the Merchant beareth the losse: and yet the Factor is subiect to pay treble damages by the Law, if it be followed within the yeare; or may bee fined for the same in the Starchamber, although it be many yeares after.

If a Factor doe pay money for a Merchant (without Commission) to another man, it is at his apperill to answere for it. And if hee deliuer other mens money at interest, and take more than the tolleration of the Statute (which is ten in the hundreth by the yeare) whereby the said Statute against Vsurie taketh hold of him, and the money is lost; the said Factor is to be charged therewith, and to make good the money vnto the Merchant.

If a Factor (hauing receiued other mens goods or monyes into his custodie)

custodie) be robbed of the said goods and moneys, he is to beare the losse, and to make good the same to the Merchant: But not in case where the vnmercifull Elements of Fire and Water shall destroy the said goods or moneys, or where a Towne is sacked or pilled; which is alwaies to bee borne by the owner or proprietarie of the same. Lost goods.

If a Factor buy a commoditie, which afterwards becommeth damnified by some accident or casualtie, whereby the Merchant (for whose account he bought the same) becommeth a looser; that Factor is not to be charged with any part of the losse: But if the commodities were damnified before, then he is to beare some part of the losse, although it happened to be knowne afterwards. A Factor bought for a Merchant of Amsterdam one hundreth tunnes of Allomes, which came from Ciuita Vecchia, laden with some Candia Oyle, whereof some part was spilled vpon the said Allome; afterwards the same being mingled together, was sold and transported to Amsterdam, and there sold to the dyers of Harlem, Amsterdam, and Roterdam; who vsing the same, found their cloth stained in diuers places; (for where the oyle touched, there the colour could not take) so that they became great loosers, as appeared by diuers testimonials. The Factor did thereupon demaund reparation of damages of him who sold him the allome; and the Merchant did the like of the Factor, for there was aboue 300 ℔ lost: whereupon the matter was much debated amongst Merchants both here and beyond the seas, and they did deliuer their Parecer or opinions in writing, and being found that the Factor had knowledge that some oyle had bin spilled vpon the allome, and neuertheles bought the same, he was adiudged by the sentence of Merchants, to pay the one halfe of the said losse, and the other halfe was borne betweene the dyers and the Merchant of Amsterdam: and he that sold the allomes, was cleered and fully paied; so that in these cases the circumstances and accidents are to be considered. Damnified Commodities. The Parecer of Merchants.

If a Factor do receiue money for other mens accounts, which afterwards are decried, or some losse doth happen by exchanging the same, be it vpon Copper moneys, or light Gold taken for merchandises sold; euerie man is to beare that losse proportionably according to his summe, and the Factor is to sustaine no damage thereby, vnlesse it were for false coine by him receiued, which he is bound to know. Losse by money.

If a Factor bee required by a Merchants Letter of Credit, to giue credit vnto others, hee must looke verie precisely to obserue the same accordingly; which Letters of Credit are either ample, or restrained to certaine conditions and limitation of time, place, persons, summes, and many other circumstances: if they bee ample, then is it dangerous for the giuer of the said Letters of Credit, and may also procure a losse to fall vpon the Factor; wherein consideration must bee had both wayes. Suppose A. B. Letters of Credit.

of

of London, writeth his Letter vnto C. D. of Antuerp in these words; *If E. F. of Amsterdam, or any other of my friends there, draw by exchange vpon you any Summes of money; it may please you to follow his and my friends order: I will be your warrant for all, and haue a care that all shall be accomplished orderly.* C.D. of Antuerp the Factor in this case, doth accept from time to time many Billes of Exchanges, and payed them accordingly, and taketh vp the mony (by the direction of E.F. of Amsterdam) for Spaine and other places; and so continueth the same for a long time, by way of rechange from one place to another, vpon the said credit of A.B. of London. At last this Factor. C.D. becommeth suspitious, because of this long continuance of mony by exchange and rechange, and writeth vnto the said A.B. of London, to know whether he is contented to continue his former credit by him giuen to E. F. of Amsterdam? A.B. continueth the same, but with a limitation to a certaine summe, not knowing what summe of money the said C.D. was engaged for the said E. F. of Amsterdam; for C. D. gaue him no notice of it at that time: hereupon it falleth out, that E.F. of Amsterdam becõmeth insoluent, and being much indebted vnto C.D. the Factor of Antuerpe; this Factor requireth his satisfaction at the hands of A.B. of London, according to the former Letter of Credit. A.B. doth answere, That he had restrained and limited the said Credit to a certaine summe, which indeed did cut off all former matters, seeing C.D. gaue him no notice of the moneys owing before, and A.B. was onely to answere for the money which was taken vp by the second Letter of Credit, according to the summe limited, otherwise A. B. had beene cleered of all. But if C.D. did continue those monyes by exchange and rechange, vpon the credit of A. B, and the Factor (with whom hee had correspondence) doth become insoluent, and thereby C.D. the Factor is damnified and payeth the monyes running by exchange, or is bound to pay the same: This Factor is to be saued harmelesse by A. B. because hee tooke vp or caused to be taken vp, the said monyes originally: So that his Credit was the Efficient Cause of it, and the Factor is to bee regarded herein, in all reason.

Exchange and Rechange.

Limitation of Letters of Credit.

The Efficient Cause alwaies to be regarded

If a Factor doe accept Billes of Exchanges of a Merchant, with order to Rechange the same againe vpon him, or to take it vp by exchange for another place or places, where he the said Factor shall find it to be for the most benefit of the Merchant: if this Factor take vp the same according to his best skill and knowledge, although it be found contrarie to the Merchants intention, the Factor is not to be charged, and the Merchant is to saue him harmelesse for the principall, with exchange, rechange, and all charges of factoridge.

If a Factor do make ouer money for another mans account by exchange vnto another man or Merchant, before he haue notice that this Merchant is broken, and the Bills of Exchange are not due: this Factor hath authoritie to countermaund the payment of this money, although

although the partie (vpon whom the Bill of Exchange is directed) had accepted the ſame. And if the ſaid partie ſhould pay the ſame before it was due, he is to repaie the ſame againe to the ſaid Factor, as hauing paied it in his owne wrong, contrarie to the cuſtome of Merchants in exchanges.

Fraighting of ſhips.

If a Factor do fraight a ſhip for ſome voyage to be made, going and comming, for a Merchants account, and by his Commiſſion or order, wherof a charterpartie of fraightment is made by Indenture between him and the Maſter of the ſhip; this Factor is liable for the performance thereof, and to pay the fraight and all things accordingly. But if the ſhip be only fraighted outwards, and the Factor ladeth the ſame with ſome goods, then theſe goods are lyable for the fraight, and the Maſter can demaund nothing of the Factor by the charterpartie, but muſt looke to be paied by the partie that receiueth the goods, according to the Bill of lading; whereby it is conditioned, that the fraight ſhall be paied vpon the receit of the ſaid goods. And ſo is it alſo if a ſhip be fraighted to go to diuers parts, as it were bound from one place to another, and to be free in the laſt place of his diſcharge: for the Maſter muſt ſtill haue an eye to be ſecured by goods, vnleſſe there were an expreſſe Condition made in the charterpartie, to the contrarie, or that the ſhip were fraighted by the Great for a certaine ſumme of money to be paied by an agreement.

Bills of lading.

If a Factor do fraight a ſhip for another man, or for his owne account, and when it commeth to the place appointed to vnlade, there are no goods to relade the ſame, or there wanteth money for the lading thereof; if the Maſter doe not ſtay out all his daies of demourer agreed vpon by the charterpartie of fraightment, and make a proteſt againſt the partie (that he was conſigned vnto) to giue him his lading within that time, but commeth away before that time be expired, and although he maketh a proteſt, for that he is not laden: yet the Factor is to pay him no fraight at all, vnleſſe (for the fraight outwards) it were conditioned by the charterpartie. But if the Maſter do ſtay out his time, then the Factor is to anſwere the fraight, although the Maſter had laden his ſhip with Salt for his owne account: for if the ſaid ſhip had bin laden only with Salt by the Merchant, which (it may be) would not pay halfe the fraight, yet the Factor or Merchant may at their pleaſure abandon the ſame to the Maſter for his fraight, and the Maſter can demaund no more of the Factor by the charterpartie. But if the Maſter do take in Salt, and ladeth his ſhip by his owne meanes, before the daies of demourer are expired, and that by ſome condition made with the Factor, he may claime fraight; then the Factor is to haue the benefit of the Salt in defalcation of the ſaid fraight.

Proteſt for not lading.

Goods to be abandoned for the fraight.

If a Factor do fraight a ſhip for a Merchant, and afterwards the ſaid ſhip is taken to ſerue the king for ſome few daies, within the time agreed vpon for the lading; and hereupon the Merchant diſclaimeth the fraighting of the ſaid ſhip, albeit the Factor did proceede to lade

the

the ſame: In this caſe the Factor is not to beare any loſſe; but what damage ſhall be adiudged to the Maſter, the Merchant is to ſaue the Factor harmeleſſe of it.

If a Factor do hire a ſhip by the moneth for another Merchant, or for his owne account, and ladeth the ſame being readie to depart, afterwards the king maketh a generall Embargo or reſtraint vpon all ſhips for a time; the Maſter cannot demaund any fraight of the Factor for and during the ſaid time of arreſt. And if the ſhip be vnladen againe, and employed in the kings ſeruice, the Factor is free of all agreements or couenants with the Maſter.

Money giuen for fraighting.

If a Factor do receiue a ſumme of money of the owners of a ſhip, in conſideration that he fraighteth the ſaid ſhip for a voyage, promiſing to repay the ſaid money at the returne of the ſaid voyage: if the ſaid Factor haue fraighted this ſhip for another mans account, this Merchant is to haue the benefit of this money during the time; and if the Factor conceale the ſame, he is to repaire the damage thereof, which is to be conſidered both for the intereſt, and aduenture of the ſeas, for the ſaid owners beare the ſame: and it is ſuppoſed that the Merchant would haue aſſured ſo much the leſſe, or (by imploying that money towards the lading of the ſhip) he ſhould diſburſe ſo much money leſſe to make the ſaid voyage, and it may be thought, that in regard of that money, the fraight is made the greater, whereof the ſaid owners of the ſhip haue had a conſideration by diſburſing the ſame.

Aſſurance.

If a Factor be required to make aſſurance for a Merchant vpon a ſhip or goods laden for a certaine voyage, and haue moneys in his hands to pay for the *Premio* or the price of aſſurance; and this Factor doth neglect the ſame, and giueth no notice of it to the Merchant, who might haue made aſſurance in another place; and the ſaid ſhip or goods do periſh at the ſeas: this Factor is to anſwere the damage, vnleſſe he can giue ſome ſufficient reaſon for the non-performance of the ſaid order or Commiſſion.

Compoſition made without order.

If a Factor hauing made aſſurance vpon goods laden, which afterwards are taken by the enemie, maketh any compoſition with the aſſurers for the ſame, without order or Commiſſion for it; he is to anſwere the whole aſſurance to the Merchant. A Merchant cauſed a ſhip to be fraighted and laden with commodities for Conſtantinople by a Factor of London, himſelfe dwelling at Antuerpe, and being a ſubiect to the king of Spaine in the late warres, cauſed 2000 ℔ to be aſſured at London vpon the ſaid goods; the ſhip and goods was taken by the Gallies of Sicilia and brought to Palermo, where it was proued that the goods did appertaine to the King of Spaine his ſubiects; but that there was 2000 ℔ aſſured at London by Engliſh Merchants, (their enemies in thoſe daies) pretending thereupon to take the ſaid goods for forfeited, or ſo much of them as ſhould amount to the ſumme ſo aſſured. Hereupon the Aſſurers (hauing intimation from the Factor of it) deſired to make ſome compoſition to auoid

that

that danger, whereby the goods alſo might bee ſooner cleered, and the poſſeſſion obtained for the owner and proprietarie thereof, which was the Merchant of Antuerp, wherein expedition was required: The Factor (in regard of the ſaid expedition) did not ſtay to receiue an anſwere from the Merchant what hee ſhould doe, but maketh a compoſition with the aſſurors, for 60 pound for the hundreth pound, to be payed inſtantly. The goods were afterwards all recouered, whereof ſo much as had beene aſſured, was formerly relinquiſhed to the aſſurors, for the Merchant would not condeſcend to make any compoſition with the aſſurors: So that the Factor did beare the aduenture to loſe 2000 ℔, for ſome 1200 ℔ which hee had receiued, if the goods had not beene recouered; and therefore the ſaid Factor tooke to himſelfe the benefit of this compoſition, by the aduice of the experienced Merchants.

If a Factor by errour of account doe wrong vnto a Merchant, hee is to amend and to make good the ſame, not onely for the principall, but alſo with the intereſt for the time. So on the contrarie, if a Factor for his owne wrong, haue forgotten to charge the Merchants account, with ſome parcells payed out for him, or made ouer by exchange; the Merchant is to anſwere for it with intereſt for the time. In theſe precedent obſeruations, are compriſed all other caſes of differences which may happen betweene Factors and Merchants. Accounts.

## Caap. XVII.

### *Of the beginning of Sea Lawes.*

HAuing in the former Chapters methodically intreated (as alſo in this hitherto) of the matters therein intended, neuertheleſſe according to the Contents of them, the matter being of ſeuerall natures runneth promiſcuouſly, but in the end will performe the worke. For as the roundneſſe of the Globe of the world is compounded of the Waters and the Earth: So this worke of the Law-merchant cannot be compleat, without the Sea Lawes; ſo called (Lawes) becauſe they are written and knowne; for without Nauigation, Commerce is of ſmall moment, ſo that the Land affaires ſhall be intermixed with Sea-faring matters accordingly.

Some doe attribute the firſt making of Sea Lawes, to the Phenicians and Carthaginians, becauſe *Plinie* doth aſcribe the Art of Sayling

ling vnto them. But by the moſt ancient Records, the Beginning muſt
Rhodian Law. be from the inhabitants of the Iſland of Rhodes, ſcituated within the Mediterranean Sea, who were moſt famous for ſhipping and ſayling, (as *Strabo* hath written) and ſurpaſſing all Nations in knowledge of equitie in Maritime cauſes: and the Mediterranean Sea was for aboue one thouſand yeares onely ruled by their Law, called the Rhodian Law, although augmented with ſome additions of the Romanes. At laſt (as ſome haue recorded) when all ſorts of Lawes, by the euerſion and lacerating of the Romane Empire were in a manner buried, the Rulers of Rome in the yeare 1075 made new Sea Lawes and Statutes, and ſo did euery chiefe Seafaring Towne vpon the ſaid Mediterranean Coaſt, adding thereunto other ordinances. So did they of Marſeilles, in the yeare 1162; Genoa in the yeare 1186; they of Peloponeſſus called Morea, in the yeare 1200; the Venetians, in the yeare 1262; *Conſtantine* 1270; *Iames* King of Arragon the ſaid yeare; *Peter* King of Arragon 1340; and they of Barſelona 1434: Which Lawes are collected and extant vntill this day. But on the
The Law of Oleron. great Ocean Seas, the firſt Lawes were made by the inhabitants of the Iſland of Oleron, ſcituate on the Sea-coaſt of France neere Saint *Martin de Rea*, againſt the Riuer of Charante, which was called *Le Roll d' Oleron:* by which the controuerſies on that Coaſt were determined, and the ſaid Lawes were afterwards diſperſed and brought in vſe in England and the Low Countries; whereupon diuers Statutes both in England and Scotland haue been enacted for Sea-faring buſineſſe; and in like manner diuers ordinances in the Low Countries, eſpecially ſince their fiſhing trade began.

*Edward* the third, King of England, cauſed (with the aduice of diuers men of knowledge and experience in Maritime cauſes) diuers
Admiraltie Court in France. Articles to be ſet downe, and theſe were enrolled and obeyed for the gouernement of the Admirall Court: and the French King, *Iohn*, made his Contracts with King *Edward* accordingly, concerning the fiſhing trade, as by the Records extant in the Tower of London, (where I haue ſeene them) may appeare.

*Francis* the French King, and *Henrie* the third of France, haue made ſome Statute Lawes concerning the Courts of Admiraltie; but the ſubſtance of all doth concurre and agree with the Lawes of Oleron, whereof we ſhall intreat more hereafter.

*Fredericke* the ſecond, King of Denmarke, at a Parliament holden at Coppenhauen in the yeare 1561, hath abridged, as alſo ſet downe certaine Acts or Statutes for the ruling of Sea matters, but for the moſt part agreeing alſo with the ſaid Lawes of Oleron; which you ſhall find in this Treatiſe ſet downe vpon euery occaſion offered vnto me, to make application of them in the Chapters following.

CHAP.

## CHAP. XVIII.

### *Of the manner of Proceedings in Sea-faring Cauſes.*

ALl controuerſies and differences of Sea-faring Actions, or Maritime Cauſes, ought to be decided according to the Sea Lawes, which tooke their beginning from Cuſtomes and obſeruations; and from them is the interpretation of the ſaid Law to be taken: and if any Caſe ſhall fall out that was not knowne before, neither written downe and authoriſed as a Law, then the ſame is to bee determined by the Iudge, with the opinion of men of experience and knowledge in the ſaid Sea-faring cauſes. And herein is all conuenient expedition required, that the matter may be ſummarily and briefly determined, eſpecially in caſe of ſhipwracke; wherein delayes or protractions in Law, is a crueltie to vex ſuch afflicted perſons.

Therefore to preuent appellations, preſent execution and reſtitution of goods is vſed in cauſes of ſpoyle, vpon caution firſt found by the ſpoyled, to ſatisfie the condemnation to the Iudge, if there bee iuſt cauſe found of appellation; and to this end alſo it is permitted that witneſſes of the ſame Ship may be examined, although the aduerſe partie bee not called thereunto, Merchants and Marriners ſayling together in one Ship, may beare witneſſe each to other, and Marriners againſt the Maſter when they are free and out of his command. Witneſſes in cauſes Maritime.

The plaintife is to find ſuerties to pay coſts and damages, if he doe faile in his proofe; and the defendant is to be put in caution to ſatisfie the ſentence, *Iudicio ciſti & iudicatum ſolui.*

If the defendant doe ſtand out, or commit a comtempt by not appearing for to defend himſelfe or his Ship, or things challenged, the Iudge of the Admiraltie may (after foure defaults entred) deliuer the poſſeſſion of the ſaid Ship or any other thing, or part thereof, to the plaintife, putting in ſureties for one yeare and a day: and if the partie appeare not within that time, then the propertie is finally adiudged to the plaintife. And if he doe appeare within the time, offering to pay the expences, and putting in caution to obey and performe the definitiue ſentence, he ſhall be admitted. But this caution

Difference betweene caution in the Admiraltie, and baile at the Common Law of England.

or ſuerties are lyable abſolutely for all from the beginning, and cannot be diſcharged, as a Baile may be at the common Law, bringing in the partie at conuenient time. Summons and Citations are not needfull, where the ſhip or goods in queſtion are forthcomming; but may be done in the ſame place where it lyeth, or the goods are found.

If any man be arreſted or troubled for the like matters, he is preſently to be diſcharged vpon ſuerties, and eſpecially Marriners, becauſe they ſhall not be hindered of their voyage; which he may doe with ſo much goods or the value thereof, as he hath within ſhipboord, at the Iudges diſcretion: for it is intended that otherwiſe trafficke and commerce is interrupted.

## Cahp. XIX.

### *Of Buying and Selling of Commodities by Contracts.*

THE buying and ſelling of commodities by contracts, may bee diſtinguiſhed three manner of wayes, namely, Regall, Notariall, and Verball.

Regall contracts, called by the Ciuilians Solemne.

The Regall contracts, are made betweene Kings and Princes and Merchants, which cauſed the Kings of Portugall to be called, Royall Merchants. For whereas the Venetians had the trade for Spices and other commodities of the Eaſt Indies; the Portugalls vpon the diſcouerie of thoſe parts by Nauigation, did bereaue the Venetians of that trade, as (by the reuolutions of time) other Nations haue almoſt compaſſed that trade of Spices, and taken the ſame from the Portugalls. The Kings of Portugall had alwayes the one moitie of the Pepper by way of contract, and for that they would contract againe with the Germaines, or other principall Merchants of other Nations and of their owne, to deliuer the ſame vpon a price agreed, vpon the arriuall of the Carrackes at Lixborne, according vnto which it was ſold againe with reputation to other Merchants, and diſperſed into diuers countries; and ſo was it alſo done for Cloues and Mace, and ſometimes for Indico, and the payments were made by aſſignation in the Bankes of Madrill, Lyons and Bizanſon, and ſometimes at Florence and other places; hereupon was the Contraction-houſe at Lixborne erected and named accordingly, where the ſaid Spices and commodities are brought and ſold againe.

Such

Such are the contracts which the King of Spaine doth make with Merchants for the prouiſion of Corne for his townes in Africa vpon the coaſts of Barbarie, as Ceuta, Moſegam, Tangere, and other places, the paiment whereof hath beene made againe by Pepper vpon ſome eſpeciall contract, and the Merchants haue thereupon alſo made other contracts with Merchants of the Low-countries to deliuer them that Pepper at Amſterdam, and to take Corne in paiment: But the caſe is ſince altered by the incorporating of the Eaſt-India trade.

Such were the contracts made by the French king *Henrie* the third, with the great Merchants of Italie, called *Le graund partie*, for Salt, which they by authoritie did ingroſſe for the king, and brought alſo from other countries by ſole permiſſion, cauſing euerie houſehold in all France to take a proportion yearely, or to pay for it whether they had occaſion to vſe it or not, which was an Italian inuention; and for this they paied by contract vnto the king ſix hundred thouſand pounds ſterling (being two millions of French Crownes) yearely.

Such were the contracts which Queene *Elizabeth* of bleſſed memorie, made with Merchants of London, for the prouiſion of victuals and apparrell for the ſouldiours in Ireland during the late warres with the Earle Tirone, which did amount to verie great ſummes of money, inſomuch that the ſeuerall contracts for apparrell came to ninetie ſixe thouſand ſuits of apparrell, as I haue ſeene by the Records and Accounts extant in his maieſties Court of Exchequer. All theſe and ſuch like contracts are made by commiſſions granted for that purpoſe to ſome great officers of the kingdome, who haue thereby authoritie to contract for the ſame with Merchants or others.

Notariall contracts haue partly dependance vpon the ſame, for when thoſe Merchants (which haue contracted with Kings or Princes) are to prouide ſodenly thoſe things which they haue contracted for, or to diſpoſe of the commodities which they haue bought or ingroſſed into their hands: Then they deale with other Merchants either to prouide them of the ſaid commodities, or to ſell them ſuch as they haue bought: and theſe contracts are made by publicke Acts and Inſtruments before Notaries, to the end that all things agreed vpon on either ſide may be duely accompliſhed: and in theſe great contracts beyond the ſeas, the paiments are (the moſt part for great ſummes) made in Bankes alſo, becauſe of the commodiouſneſſe of it, as you ſhall note hereafter. Beſides this, many Merchants doe make contracts, and paſſe them likewiſe before Notaries, or Scriueners, becauſe that things contracted for may require time to effect them. As for example, a Merchant aduenturer ſelleth vnto a Merchant of Middleborough two or three hundreth Clothes of knowne markes (whereby the goodneſſe is alſo knowne) at a certaine price, the packe of ten Clothes,

Notariall contracts called Publicke.

to be deliuered at Middleborough from time to time during the ſpace of ſix moneths, and the Middleborough Merchant doth agree that (for the payment of theſe Clothes) he will ſend to the Merchant aduenturer Linnen cloth, and diuers other commodities to be ſold in London to pay himſelfe as aforeſaid, which commodities are alſo ſent from time to time within the compaſſe of the ſaid time of ſix moneths, and the reckoning betweene them ſhall run accordingly: hereupon a contract is made in writing before a Notarie publick, and therein diuers conditions are to be ſpecified and obſerued. Firſt it is agreed, that concerning the price of the Clothes ſold, amounting to ſuch a ſumme ſterling money called lawfull money of England, there ſhall be giuen for euerie twentie ſhillings or pound ſterling ſo many ſhillings and pence as they ſhall agree, according to the price of exchange amongſt Merchants, and theſe are ſhillings and pence Flemiſh money, whereof there is 35 or 36 ſhillings, or 35 ſhillings and ſix pence, or 36 ſhillings and eight pence giuen or allowed in account betweene them for twentie ſhillings ſterling, and ſo after the rate for ſo many hundreth pounds or thouſand pounds as the Clothes may amount vnto. Secondly it is agreed, that the Merchant aduenturer ſhall beare the aduenture of his Clothes, and deliuer them vpon his aduenture, charge, and daunger of the ſeas, with all caſualties, vnto the Middleborough Merchant within the towne or ware-houſe of the Merchant there; and likewiſe that the Middleborough Merchant ſhall beare the aduenture of his Linnen Cloth, and other commodities, anſwere the Kings Cuſtomes, and all charges incident vpon the ſaid commodities, vntill they bee freely taken vp into the Merchant aduenturers ware-houſe here. Thirdly, it is agreed betweene them (theſe forreine commodities being ſold paiable at times of paiment) that if any bad debts ſhould be made thereby, either the Middleborough Merchant is to beare the loſſe thereof, or elſe the Merchant aduenturer doth take the hazard and aduenture of it vpon him, for the conſideration or allowance of double factoridge, or two vpon the hundreth. Fourthly, it is agreed betweene them, that if the paiment of the commodities of the Middleborough Merchant be not made within the time of ſixe moneths, according as the Clothes were ſold; then the Merchant aduenturer is to haue allowance for the money by him not receiued within the time after the rate of tenne vpon the hundreth for the yeare. Laſtly, (becauſe the Merchant aduenturer taketh paines in the ſelling of the Merchandiſe and Commodities of the Middleborough Merchant to pay himſelfe) it is alſo agreed vpon, that the Merchant aduenturer ſhall haue allowance of factoridge for it, after the rate of two *pro Cent.* which hee ſhould haue giuen vnto another Factor to ſell the ſame for him. This is the ſubſtance of a Merchants Contract, wherein it ſeemeth all things haue beene well conſidered and agreed vpon; yet the principall matter for good and ſure dealing is omitted, which is not onely to

Conditions of a Merchants Contract.

Defectiue contracts.

couenant

couenant that the Middleborough Merchant ſhall ſend him good and merchantable wares or commodities to make money of, or to ſell to good Cuſtomers that will make him good payment, but eſpecially, that the Merchant aduenturer ſhall not be compelled to ſend him more clothes than the value of the commodities receiued ſhall amount vnto from time to time. And further, if he do not ſend him within the time the quantitie of commodities requiſite to pay himſelfe for ſo many Clothes; The ſaid Middleborough Merchant ſhall pay him the damages ſuſtained by the imploiment of his money in Clothes, or a certaine ſumme of money agreed vpon betweene them for the non-performance thereof.

In like manner a London Merchant doth contract with a Merchant ſtranger here, and buyeth of him a certaine commoditie, whereof the goodneſſe is commonly knowne by the marke, or otherwiſe by the *Fabrica* or making, as Veluets, Sattin, Silkes, Fuſtians, and other commodities to be here deliuered vnto him by ſuch a day, or within ſo many moneths, at a price agreed vpon betweene them, with the manner of paiment, and other conditions agreed alſo; hereupon likewiſe paſſeth a Notariall Contract which is performed accordingly. But put the caſe, That the price of the ſaid Veluets and Silkes by ſome accident or occaſion doth fall, and the London Merchant doth repent himſelfe of his bargaine and contract, and now ſome of the ſaid forraine commodities are come from beyond the ſeas, and arriued within the riuer of Thames, whereupon the Merchant ſtranger giueth notice vnto him of it, and the London Merchant ſeemeth vnwilling to receiue the ſaid commodities, and is conſtrained either by a Scriuener or with witneſſes to offer vnto him the ſaid commodities according to their contract: here note that this offer or tender ſo made is of no validitie or effect in Law; for vntill the Kings Cuſtome is paied for the ſaid goods, and that you haue receiued them into your power or cuſtodie, you can make no lawfull offer of them. Moreouer, if you haue paied the Kings Cuſtome for them, and haue them in your cuſtodie and power, and do make tender of them before the time; yet the Law is not ſatisfied herein, but you muſt tender them alſo vpon the laſt day of deliuerie, becauſe the damages to be giuen vnto you by Law muſt take a certaine ground vpon the limitation of time, and not vpon caſualties; for it might fall out, that the price of the ſaid commodities ſhould riſe within that time, and you might ſell them for a greater gaine, and by that time of the laſt day of your deliuerie they might be fallen againe in price, and you might haue prouided another parcell for the ſame, ſo that both by the Common law and the Law Merchant you are to make your tender vpon the verie day by a Scriuener, or with competent witneſſes, wherof I haue ſeene ſufficient triall in Law. And according to theſe two examples, you may judge and conſider of all other the like contracts wee call Notariall.

Tendering of commodities ſold by Contracts.

Verball contracts called Priuate.

*Verball* contracts are made betweene partie and partie, or by meanes of Brokers or Mediators, and that onely by word without writing. Such are the daily buying and selling of commodities either for readie money, or payable at some daies of payment, wherein the mediation of a Broker is most necessarie: For as it would be troublesome to vse Scriueners in euerie bargaine; so is it commodious to vse the meanes of Brokers, the commodities are not onely bought and sold with more credit and reputation, but all controuersies which doe arise by misaduenture or otherwise are sooner determined, and a sworne Broker is taken as a double witnesse, if he doe produce his booke, with a *Memorandum* of the bargaine, as the same was agreed betweene both parties, whereby many variences are reconciled, and differences (like to fall out) are preuented.

The most beneficiall contract.

I had almost forgotten the most memorable contracts that euer were, whereby the Philosophers *Elixar* or stone is found, turning Leade, Paper, and Inke into Gold and Siluer, which is the contract of Popes for their Crusadoes or Bulls, whereof there are certaine contractors, who for a certaine summe of money yearely to be paied, doe receiue authoritie to disperse the said Pardons or Bulls into the West-Indies, Perou, *Nona Espagnia*, and all those quarters of the world, and euerie resonable soule must haue one of them yearely, and that this is the most beneficiall contract I proue thus.

In the yeare 1591 Pope *Sixtus Quintus* caused two ships to be laden out of Spaine for the West-Indies as aforesaid, with some 100 Buts of Sackes, 1400 little Chests containing each of them three ordinarie small Barrells of Quicke-siluer weighing 50 ℔ the peece, to refine the Siluer withall in the said Indies: and moreouer with a great number of Packes of the Printed Bulls and Pardons graunted at that time, to make prouision against the Heretickes; Forasmuch that the great *Armada* of the yeare 1588, had so much exhausted the treasure of Spaine. These two ships were met withall at sea by Captaine *White* (who was laden and bound for Barbarie) and brought into England by him, where the commodities were sold: but the Popes merchandise (being out of request) remained a long time in Ware-houses at the disposing of Queene *Elizabeth*; vntill at last at the earnest request of her Physitian called Docter *Lopes*, she gaue all the said great quantitie of Bulls vnto him, amounting to many thousands in number. This courtly Merchant (falling in communication with an Italian knight, who had been a Merchant) did conclude with the said knight to make a partable voyage betweene them, and to send those Bulls into the West-Indies, and accordingly a ship was fraighted and laden with the said Bulls and some other commodities, and did perform the said voyage to the Indies: but no sooner arriued, the Popes Contractor for that commoditie did seise vpon all the said Bulls, and caused an information to be giuen against them, that they were infected, hauing

beene

beene taken by Heretickes; it was alleaged that they were miraculouſly ſaued, but loſt they were and confiſcated, and ſo couetouſneſſe was well rewarded. But returning to prooue this beneficiall Contract, I was at the time of the taking of the ſaid Bulls willed by authoritie, to make and eſtimate what the lading of theſe two ſhips might coſt, and what they might haue beene worth in the Weſt Indies, according to the rate of euery Bull, taxed at two Royalls of plate, and ſome foure and ſome eight Royalls according to their limitation, euery one being but one ſheet of paper; and by computation the lading did not coſt fiftie thouſand pounds, and would haue yeelded aboue ſix hundreth thouſand pounds: for theſe contracts are feruent and full of deuotion, containing alſo a commandement that their beds ſhould bee ſold, rather than any one ſhould bee without a Bull, for the ſafetie of the ſoule was to bee preferred before the health and eaſe of the bodie.

The Pope his Merchandize.

Now before we intreat of extrauagant Contracts in the buying and ſelling of commodities in ſome places, it will not be impertinent to note the obſeruations and opinions of Ciuilians concerning Merchants Contracts, which they haue diſtinguiſhed to be Solemne, Publike or Priuate, as in the Marginall notes is before declared, to the end all controuerſies may bee auoided in the ſaid Merchants Contracts.

The Ciuilians writing, *De Contractibus Mercatorum*, or of Merchants Contracts make many diſtinctions: but the conditions agreed vpon betweene them, are chiefly conſiderable, and to bee well declared to auoid ambiguitie and conſtructions, and reciprocall things to bee performed on both ſides, which bindeth them better; ſo that if a Contract be broken, whereby the one partie is damnified for the want of his money or goods not deliuered, whereby he can make no benefit, and is hindered in his trade by *Lucrum Ceſſans* or not getting, the other partie may iuſtly demand recompence for the ſame, eſpecially if hee bee a merchant, otherwiſe ſome Ciuilians make the ſame queſtionable, as Fiſher-men, Fowlers, and Hunters, which ſay they cannot demand any loſſe for want of their owne, becauſe (by their profeſſions) they are vncertaine, whether they ſhall catch or take any thing by their Art. Neuertheleſſe the Merchants Court hath an eſpeciall care to performe well with Fiſher-men, and that with all expedition of iuſtice they may bee diſpatched to follow their trade, without any intermiſſion of time.

Merchants Contracts are to be plaine.

Fiſher-men are to be reſpected vpon Contracts.

This damage ſuſtained by Merchants or others, for the non performance of Contracts, cannot bee demanded by a continuance of time, running *Ad infinitum*, during the matter in queſtion: but muſt bee demanded according to the firſt damage receiued, as the partie can duely proue the ſame, either by witneſſes or vpon his oath, as the cauſe may require.

The firſt damage vpon Contracts to be regarded.

Therefore when Merchants are contending in any Courts of Equitie or Law, where they are delayed for many yeares in continuall

tinuall ſuit at their great charges: Then it tendeth to the interrup- of trade and commerce in generall, and the ouerthrow of the parties in particular, whereof the Law of Merchants hath a ſingular care to prouide for, and therefore doth many times (though not without danger) admit the proofe to bee made vpon the parties oath, if witneſſes be abſent.

Penalties vpon contracts. The penalties or forfeitures vpon any Contract limited and expreſſed, be it *Nomine Pœne* or otherwiſe, are therefore much to bee conſidered of in equitie to make them ſtand, and to bee effectuall for the maintenance of Faith and Credit betweene Merchants, and they are conſequently much approoued by all Ciuilians, and by their Law allowed.

In all Contracts, made for a copartnerſhip in prouiding of a ioynt Stocke, is to bee obſerued, that the one or ſome of them doe not defraud the other. Alſo it is approued, that they may ſell their aduenture to others, and the buyer is to take the account according to the Contract, for the account giuen to other partners in Societies, doth alwaies bind the buyer proportionably in theſe aduentures, and the parties dying, the widow or his heires are to accept thereof accordingly both by the Ciuile Law and the Cuſtome of Merchants. As is well obſerued by the Societie of the Merchants trading for the Eaſt Indies, both in England and beyond the Seas; for it is not accounted any danger to truſt a Societie, and to deliuer money for trading and where no damages or aduentures be borne, is vſurious, as ſhall be declared hereafter.

Obſeruations in partable contracts.

Verball contracts for mony &c. To enter into conſideration of ſome Verball Contracts, ſome Cuſtomes are be obſerued, which the Ciuilians make queſtionable. A Merchant doth deliuer ſome money vnto another Merchant, to be imployed by him in commodities, or to bee put forth to vſe for both their benefit and profit, without any limitation of time agreed vpon betweene them; the queſtion is, when this Merchant that did deliuer this money may call for it againe; wherein moſt Ciuilians are of opinion, that the ſame cannot bee demanded before the yeare expired, which ſeemeth the more reaſonable, if the Law will not allow vnto the other partie, a loſſe ſuſtained thereby by fire, water, or any other caſualtie, vnleſſe hee doe declare and manifeſt the ſame within the yeare. Neuertheleſſe if this money were deliuered to one that maketh a continuall gaine by money, as ſome Gold-ſmiths doe, by taking the ſame for two, three, or more dayes, and allowing benefit for it: then it may ſeeme reaſonable, that the money may be demanded at all times vpon warning giuen for the time, without which, no man may be ſuppoſed to be ſo careleſſe in the deliuerie of his or other mens money by a Verball contract, as the ſaid Ciuilians haue ſurmiſed.

Againe, ſuppoſe this money were deliuered to a father and his ſonne ioyntly, whether the ſame ſhal be redemanded of the father and of the ſonne by equall portion halfe and halfe, or of them both?

Here-

Hereupon they are of opinion, if the father did receiue the money, and that the ſonne be vnder the gouernement of the father, then the father is to anſwere for all: But if the ſonne doe (as it were) gouerne the father, becauſe hee is old; then the ſonne is to anſwere for the money. Now the Law-merchant obligeth them both to anſwere for the ſaid money, vnleſſe the ſonne were vnder yeares. But this queſtion may be thought extrauagant, for contracts are commonly Notariall in this caſe, and betweene parteners, and where one partener bindeth another, it is onely to bee vnderſtood to continue the time of their partenerſhip; whereas to become bound each to other for ſo much as ſhall be found due, is dangerous and full of cauillation. So that (as before is remembred) euery thing is to bee plainely expreſſed, but eſpecially to be carefully obſerued between parteners. For the Stocke alſo betweene parteners by contract to continue in trade, is to be without diminution or any other imployment to bee made, during the ſaid copartenerſhip, which is limited therefore for a time and not by voyages or employments; the charges on both ſides to be limited: but hereof more vpon the title of Parteners or Companies.

Notariall contracts ſureſt.

To make theſe Notariall contracts more authenticke and ſure, when due regard is had of reciprocall actions, to auoid *Nudum Pactum*, the Bonds made by each partie to other in a ſumme of money for the performance thereof, are to be preferred before the limitation of a penaltie contained in the contract, albeit that theſe Bonds being put in ſuit, cauſeth the other partie to flie into the Chancerie; but the Merchants Courts proceed herein with more expedition.

Extrauagant contracts.

There are alſo certaine Merchants contracts, which (in regard of the conditions) are called Extrauagants, becauſe the manner either of buying or ſelling of commodities, and the payment made for the ſame, is rare and but vſed in ſome places, which neuertheleſſe are made in writing by Notariall contract, or by the Brokers Booke recorded, whereof I thinke fit to make a Chapter apart, touching the commodities ſold by Brokers, as hereafter may appeare.

Conditions to be obſerued in them.

A Merchant in Spaine dealing for the Weſt Indies, *Noua Eſpagnia*, *Terra firma*, or Peru and other places in America, will buy a round quantitie of Germanie commodities or manufactures made there, and in the Low Countries, either Yronmongers wares, as Hatchets, Axes, Kniues, Bells, Beads, Needles, Baſons, Candleſtickes, Counters, Lockes, Nayles, and diuers ſorts of commodities; and he is made acquainted by the Inuoice or Cargaſſon of thoſe goods what they did coſt in the places from whence they came, where the Merchant owner of the ſaid wares, hath augmented his price in the ſaid Inuoice, and ſo the Spaniſh Merchant doth make him an offer of ſo many Maluidies for euerie pounds Flemiſh, or Hamborough money, or for euerie Dollor or other coyne whereby the ſame was bought, according as the partie by his obſeruation is able to iudge of the value thereof, by his often buying of the like: but the payment is agreed

vpon

vpon to bee made ſometime after the returne of the Weſt-Indies Fleet, that is to ſay, When moſt Ships going outwards ſhall returne againe into Spaine, but whether the buyer of thoſe goods doe receiue any returne of the prouenue of the ſaid goods or not, is a matter not materiall to the ſeller of the goods, for he beareth no aduenture of bad Factors, euill pay-maſters, or other accidents; but muſt be payed at the time agreed vpon, according to the ordinarie Cuſtome thereof, vnleſſe it were agreed that he ſhould beare the aduenture of the Seas for a ſumme in certaintie in nature of aſſurance, or vpon ſome vnexpected alteration, which might happen in the ſaid aſſurance, which is another contract, as hereafter more amply will appeare in his proper place.

Another Merchant ſelling by contract, ſome commodities to be deliuered at the returne of the ſaid Weſt Indies Fleet, *Poſito* a certaine quantitie of Cutcheneale, as the price ſhall be broken in Spaine vpon the arriuall of the maine Partida; this Merchant commonly taketh a ſumme of mony before hand, whereof he alloweth intereſt for the time, or elſe he abateth a certaine allowance in the price of the Cutcheneale leſſe than the price, which by authoritie and conſent amongſt Merchants is made, that is to ſay, If the beſt ſort called Miſteca be ſet at 40 Ducatts the Rooue of 25 ℔ weight, he ſhall abate him after 20 or 25 ℔ 100. Now if the price of Cutcheneale be high or low, the intereſt of his money formerly diſburſed (by the ſaid abatement) muſt needes bee accordingly: So that the beſt aduantage is to take the intereſt after a rate certaine, and the price of the Cutcheneale, as it ſhall and may fall out, the like may bee obſerued for all other commodities. The Bankers haue found the ſame by experience, by dealing with the Kings of Spaine and Portugall, when they make Partidos with them to furniſh them monyes in their occaſions, by making them to pay exchanges and rechanges for it after a great rate. And neuertheleſſe, they will bee ſure to haue Pepper or any other commoditie, at a certain rate agreed vpon betweene them, or elſe in readie money payable alſo at the returne of the ſaid Weſt-Indies Fleet, albeit they doe not beare the aduenture of the Siluer Bullion or Royalls of eight, rather admitting a clauſe, that if the treaſure doe miſcarrie they ſhall haue their monyes repayed within a certaine time and intereſt of 7 ℔ 100, vnleſſe it be they agree for the Pepper belonging to the King, for many yeares to be taken at a reaſonable price, they bearing the aduenture of the Seas. As the Lords Foulkers of Germany did contract in the yere 1592, with *Philip* the ſecond King of Spaine, whereby they became loſers, by the taking of the great Carracke the Mother of God at the Seas, the next yeare following. Now becauſe in the precedent Chapters, we haue ſpoken of a Banke, and the payment of Bankers: it will not be impertinent to intreat thereof, before any further proceeding, to the end this matter may be vnderſtood of euerie Merchant and others.

Mony payable at the returne of the Fleet.

CHAP.

## CHAP. XX.

### *Of* Bankes *and* Bankers.

A Banke is properly a collection of all the readie money of ſome Kingdome, Common-wealth, or Prouince, as alſo of a particular Citie or Towne, into the hands of ſome perſons licenſed and eſtabliſhed thereunto by publicke authoritie of ſome King, Prince, or Commonwealth, erected with great ſolemnitie in the view of all the people and inhabitants of that Citie, Common-wealth, or Kingdome, with an intimation thereof made diuers times, to be vpon ſuch a day in the open market place, where a ſcaffold is purpoſely erected, with an oſtentation of great ſtore of money of Gold and Siluer, ſuppoſed to belong to theſe perſons or Bankers ſo eſtabliſhed; which is vnto them an attractiue power to perſuade and allure the common people to bring their moneys into theſe Bankers hands, where at all times they may command it, and haue it againe at their owne pleaſure, with allowing them onely a ſmall matter of fiue vpon euerie thouſand ducats or crownes, when any man will retire or draw his money into his owne hands againe: which although it be but in twentie yeares, yet during all that time, they are to haue no more; ſo that theſe perſons or Bankers do become (as it were) the generall Seruants or Caſhiers of that Prouince, Citie, or Common-wealth.

*The deſcription of a Banke.*

Theſe Bankers, as they haue their Companies, Factors, or correſpondence in the chiefe places of trade in Europe, ſo muſt they alſo keepe account with euerie man, of whom they haue receiued any money into their Banke, out of which number, no man of that iuriſdiction is almoſt exempted; but generally all men are deſirous to pleaſe them, and to bring their readie money into their Banke, as alſo ſuch money as they haue in foreine parts. In regard whereof, theſe Bankers do giue them great credit; for if any man haue occaſion to beſtow in merchandiſe or to pay in money 3 or foure thouſand ducats, and haue but one thouſand ducats in the Banke, the Bankers will pay it for him more or leſſe, as the partie is well knowne or credited,

ted, without taking any gaine for it, although it be for 3, 4, 6, or more monethes.

This ſeemeth to be a great commoditie (as no doubt it is to men in particular) but being well conſidered of, it will be found a ſmall friendſhip, and no more in effect, than if a man did participate the light of his candle to another mans candle: for what is this credit? or what are the paiments of the Banks, but almoſt or rather altogether imaginarie? As for example, *Peter* hath two thouſand ducats in Banke, *John* hath three thouſand, and *William* foure thouſand, and ſo conſequently others more or leſſe. *Peter* hath occaſion to pay vnto *John* one thouſand ducats, he goeth to the Bankers at the appointed houres, (which are certaine both in the forenoone and afternoone) and requireth them to pay one thouſand ducats vnto *John*; whereupon they preſently make *Peter* debtor for one thouſand ducats, and *John* creditor for the ſame ſumme: ſo that *Peter* hauing aſſigned vnto *John* one thouſand ducats, hath now no more but one thouſand ducats in Banke, where he had two thouſand before, and *John* hath foure thouſand ducats in the ſame Banke, where he had but three thouſand before. And ſo in the ſame manner of aſſignation, *John* doth pay vnto *William*, and *William* vnto others, without that any money is touched, but remaineth ſtill in the Bankers hand, which within a ſhort time after the erection of the Banke, amounteth vnto many millions: and by their induſtrie they doe incorporate the ſame, which may eaſily be vnderſtood, if we do but conſider, what the readie money and wealth of London would come vnto, if it were gathered into one mans hands, much more if a great deale of riches of other countries were added thereunto, as theſe Bankers can cunningly compaſſe by the courſe of the exchange for moneys, the ebbing and flowing whereof, is cauſed by their motion from time to time as in our Treatiſe of Exchanges is declared.

The maner of the Bankers paiments.

But ſome will ſay or demaund, Cannot a man haue any readie money out of the Bankers hands, if he haue occaſion to vſe it? Yes that he can: but before he haue it, they will be ſo bold, as to know for what purpoſe he demaundeth the ſame, or what he will doe with it. If it be to pay any man withall, they will alwaies doe that for him, as hauing account almoſt with all men; for hee is accounted to be of no credit, that hath not any money in Banke.

If he do demaund it for to make ouer by exchange in ſome other countrie, they will alſo ſerue his turne in giuing him Bills of Exchanges for any place whereſoeuer, becauſe they haue their companies or correſpondence in euerie place.

If he do demaund it for his charges and expences, it will be paied him forthwith, becauſe it is but a ſmall ſumme, and in the end the money commeth into their hands againe.

If they pay out money to any man, that hauing money in Banke will beſtow the ſame in purchaſe of lands, they will ſtill haue an

eye

eye to haue it againe in Banke one way or other, at the ſecond and third hand; ſo that they once being poſſeſſed of moneys, they will hardly be diſpoſſeſſed, and their paiments are in effect all by aſſignation, and imaginarie.

And if they haue any money in Banke belonging vnto Widowes and Orphanes, or any other perſon that hath no occaſion to vſe the ſame, they will allow them intereſt after foure or fiue vpon the hundreth in the yeare, at the moſt, and that vpon eſpeciall fauour; for euerie man ſeeketh to pleaſe them, as in matter where *Commodum priuatum* beareth the rule; for they can eaſily pleaſe men in particular, in giuing them ſome credit of that great credit which they haue obtained in generall.

The money then remaining in the Bankers hands, is imployed by them to other vſes and purpoſes.

The Bankers trade.

Firſt, they doe deale with great Princes and Potentates, that haue need of money for the maintenance of their warres, as the Geneuoiſes and Germanes did with the Emperor *Charles* the fifth during the warres in Germanie, and as the Florentines and others haue done with *Phillip* the ſecond king of Spaine, and alſo with his ſonne *Phillip* the third late raigning, cauſing him to pay 20, 25, 30, and more in the hundreth, by way of exchange and rechange, ſuppoſed to happen accidentally.

The beginning of the Banke at Amſterdam.

Secondly, they ingroſſe thereby diuers commodities into their hands: and laſtly, they carrie thereby a predominance in ruling the courſe of exchanges for all places, where it pleaſeth them: by reaſon whereof the citie of Amſterdam (to countermine them) haue in the yeare 1608, alſo erected a verie great Banke, for the which the ſaid citie hath vndertaken to anſwere, whereby they are alwaies ſtored with money, as appeareth, that the ſame is plentifully to be had at intereſt at ſix and ſeuen in the hundreth by the yeare, and ſome at fiue and vnder. This cuſtome is now ſo ſetled there, that it is as effectuall as any law.

Bankrupt.

Of the breaking of ſome of theſe Bankes, is the name Bankrupt deriued: for when Princes do not accompliſh with them, then they cannot hold out, vnleſſe they haue great eſtates of their owne. *Philip* the ſecond king of Spaine, in the yeare 1596, was conſtrained to giue *Facultad Reall*, that is to ſay, A Power or Facultie Royall, or a Protection vnto the Bankes of Madrill, and all their aſſociates for foure yeares; commaunding that all thoſe that had dealt with them in matter of Exchange, Intereſt, Contracts, Letters of Credit, or any manner of wayes publickely or ſecret, and with all their knowne or vnknowne partners, ſhould not be compelled to pay any money to their creditors vntill the yeare 1600: but in the *Interim* they ſhould at euerie 6 moneths receiue intereſt for their mony after the rate of ſeuen *pro centum*, for the yeare; and if any man could not forbeare his mony, he was to deliuer the fourth part more in readie money, and ſo accounted together with the intereſt due at ſeuen

A Facultie Royall, or Protection.

vpon the hundreth, the two thirds of all was to be paied him, and the other third was to continue during his life, with allowance of the ſaid intereſt; and this was to be obſerued in the kingdomes of Caſtile, Arragon, Portugall, and the Low-countries, as alſo in the kingdomes of Naples, Sicilia, and the State of Milan, and finally in all kingdomes and dominions vnder him, (for ſo are the words) and in all his warlike forces by ſea and by land. This did bring the Bankes in great diſcredit, and the Weſt-India trade was much interrupted by it, and ſo continued during the ſaid king his life time; and after his deceaſe, moneys haue not beene plentifull in Spaine, inſomuch, that in the yeare 1608, his ſonne *Philip* the third did giue the like Facultie Royall to all men that were to pay money at the returne of the Weſt-Indies fleet for one yeare, paying but 3 *pro cent.* to their creditors for the forbearance.

## CAHP. XXI.

### *Of the Fraighting of ſhips, Charterparties, and Bills of lading.*

HItherto we haue beene buying and dealing in commodities, and now it will be time to aduance our commerce or trafficke, and to fraight Ships for the purpoſe to tranſport ouer commodities. No Ship ſhould be fraighted without a Charterpartie, meaning a Charter or Couenant betweene two parties, the Maſter and the Merchant: and the Bills of lading do declare what goods are laden, and bindeth the Maſter to deliuer them well conditioned to the place of diſcharge, according to the contents of the Charterpartie; binding himſelfe, his ſhip, tackle, and furniture of it, for the performance thereof. Of theſe Bills of lading, there is commonly three Bills of one tenor made of the whole ſhips lading, or of many particular parcells of goods, if there be many laders; and the marks of the goods muſt therin be expreſſed, and of whom receiued, and to whom to be deliuered. Theſe Bills of lading are commonly to be had in print in all places, and in ſeuerall languages. One of them is incloſed in the letters written by the ſame Ship, another Bill is ſent ouer land to the Factor or partie to whom the goods are conſigned,

Bills of lading.

the

the third remaineth with the Merchant, for his teſtimony againſt the Maſter, if there were any occaſion or looſe dealing, but eſpecially it is kept for to ſerue in caſe of loſſe, to recouer the value of the goods of the aſſurors that haue vndertaken to beare the aduenture with you, whereof wee ſhall intreat in the following Chapters.

The perſons that are in a Ship may bee thus in order, which although they differ in names in many languages, yet they are all one in effect. The Maſter of the Ship, the Pilot, the Maſters mate, the Ship-wright or Carpenter, the Boats-man, the Purſer, the Chirurgeon, the Cooke, and the Ships boy. All the reſt are vnder the name Marriners, all theſe are diſtinguiſhed in hires and fees in all Countries.

The Maſter therefore doth couenant by the Charter-partie, to find a ſufficient Pilot, and all other the foreſaid Officers and Marriners, and to prouide Shiptycht, Maſts, Sayles, Roapes, Tewes, Anchors, Ship-boat; with fire, water, ſalt, and all things neceſſarie, at his owne expences. And this Charter-partie ſo made on the Maſters part, doth commonly declare that it is and all things therein contained, according to the Law of *Oleron*; according to which Law, if there bee no writing made, and but an earneſt giuen, then the Merchant if he repent, loſeth his earneſt; but the Maſter if hee repent, loſeth the double of the earneſt. Charter-party. Law of *Oleron*.

Againe, if the Ship bee not readie at the day appointed in the Charter-partie to goe to Sea, the Merchant may not onely free himſelfe of her, except hee hold his peace and diſcharge her not (for then by his ſilence he ſeemeth to conſent,) but alſo ſhall recouer charges, intereſts, and damages, except the Maſter ſhew ſome excuſe of ſome pregnant occaſion or miſchance, which could not bee auoyded, and then he loſeth onely his fraight, becauſe he hath not deſerued it. But if the fault be in the Merchant, he ſhall pay the Maſter his damages, or according to the Rhodian Law, ſhall entertain the Ship and Company ten dayes, and if then he ſtay longer ſhall pay the fraight of all accordingly; and further ſhall anſwere for all hurt and damages happening by fire, water, or otherwiſe after the time appointed. It is true, that the Rhodian Law chargeth the Merchant in this caſe but with halfe the fraight, and the Maſter with the whole fraight if he faile: Albeit that the Romanes inflict the paine of the whole fraight vpon the Merchant, eſpecially if hee take out his owne goods againe, for then is the fraight thought to bee deſerued. *Qui Tacet conſentire videtur.* Rhodian Law.

But if the Ship in her Voyage become vnable, without the Maſters fault, or that the Maſter or Ship bee arreſted by ſome authoritie of Magiſtrates in her way; the Maſter may either mend his Ship, or fraight another. But in caſe the Merchant agree not thereunto, then the Maſter ſhall at leaſt recouer his fraight, ſo farre as hee hath deſerued it. For otherwiſe, except the Merchant conſent,

ſent, or neceſſitie conſtraine the Maſter to put the goods into another *Ship* worſe than his owne; the Maſter is heerein bound to all loſſes and damages, except that both the Ships periſh that voyage, and that no fault nor fraud bee found in the Maſter.

Admiraltie Caſes.

In the yeare 1587, the like matter was in queſtion with fiue Ships comming backe without their lading, from Ligorne and Ciuita Vecchia into England, whereof my ſelfe was one of the Merchants that had fraighted them, and did intend to receiue lading there in Allome: But the Gallyes of *Don Andrea Doria* intending to ſurpriſe thoſe Ships (the Grand Armada being preparing in Spaine) they came all of them away without their lading; ſome two of theſe Ships had lyen out all their time conditioned by their Charterpartie, to take in their lading, and the Maſters had Notariall proteſts againſt the Factors that they ſhould haue laden them. Theſe were by the Law of Admiraltie adiudged to haue deſerued their whole fraight. Two other ſhips hauing not ſtaied there their abiding dayes, nor made any proteſt as aforeſaid, could not be found to haue deſerued any fraight at all, although they were laden outward bound. The fifth Ship had a condition or prouiſo in her Charterpartie, That if it ſhould happen that in her comming backe out of the Straits, ſhee ſhould be taken or caſt away; neuertheleſſe the fraight outwards (which was accounted halfe) ſhould bee payed, and that halfe was adiudged vnto the Maſter, and no more, hauing not tarried there his appointed time. And if this prouiſo had not beene, he could not haue recouered any thing; for when Ships are fraighted going and comming, there is nothing due for fraight vntill the whole Voyage bee performed. So that if ſhee periſh, or bee taken in the comming home, all is loſt and nothing due vnto her for any fraight outwards, whereof I haue alſo had experience by another Ship.

Condition maketh Law.

It is alſo accounted for a fault, if the Maſter put forth the Ship to Sea, either without a skilfull Pilot, or without ſufficient furniture and neceſſaries, according to the ordinarie clauſes of the Charter-parties, or (as in the precedent caſe) that the other Ship in which the goods were laſt put in, bee not ſufficient, or that the Maſter doe in an vnlikely time put foorth to Sea.

The Emperors *Gratian*, *Theodoſius*, and *Valentinian*, in times paſt did expreſly forbid that no man ſhould aduenture vpon the Seas, from Nouember till Aprill, *Sed Tempora mutantur, & nos mutamur in illis*. Alwayes it is a great fault by the Law, to put to ſayle out of any Port in ſtormie and tempeſtuous weather.

*Item*, if a Maſter ſet forth his Ship for to take in a certaine charge or lading, and then takes in any more, eſpecially of other men, hee is to loſe all his whole fraight; for by other mens lading hee may endanger the Merchants goods diuers wayes. And in ſuch a caſe, when goods by ſtormes are caſt ouer-boord, it ſhal not be made good by contribution or aueridge, but by the Maſters owne purſe: For if

Aueridges.

hee

hee ouerburthen the Ship aboue the true marke of lading, hee is to pay a fine.

*Item*, if a ſhip do enter into any other Port or Harbour, than ſhe was fraighted for, againſt the Maſters will, as by ſtorme or ſome force, then the goods ſhall be tranſported to the Port conditioned, on the Maſters charges; but this muſt be tried by the Maſters oath, and of two of his Mariners, or elſe the Maſter may be in further danger.

If any man compell the Maſter to ouer-burthen Ship or Boat, he may therefore bee accuſed criminally, and pay the damages happening thereby.

*Item*, if a Merchant put in more goods into a Ship than was conditioned, then may the Maſter take what fraight hee pleaſe. By the Romane Law it is imputed for a fault to the Maſter, if hee direct his courſe by wayes either dangerous, thorough Pirats, enemies, or other euill aduentures. Alſo if hee doe carrie the Flag of other Nations and not his owne, and thereby incurre any loſſe or dammages: For as Packes, Pipes, and all goods, ſhould bee marked with the proper markes of the Merchant to whom they appertaine: So ſhould Ships bee diſcerned one from another by their owne Flag.

The ordinarie Charter-parties of fraightments of Ships, made and indented betweene the Maſter of a Ship and a Merchant, or many Merchants in fraighting a Ship together by the tunnage, where euery Merchant taketh vpon him to lade ſo many Tunnes in certainety: are made as followeth, *Mutatis*, *Mutandis*, which is done before Notaries or Scriuenors. Fraightings by tunnage.

A.B. Maſter of the Good Ship or Fly-boot, called the Red Lyon of Ratclife, of the burthen of 120 Tunnes or thereabouts, riding at Anchors in the Riuer of Thames, acknowledgeth to haue letten to fraight vnto C. D. the Merchant his ſaid Ship, and doth promiſe to prepare to make readie the ſame within tenne dayes, to take in ſuch goods, as the ſaid Merchant ſhall lade or cauſe to be laden in her, to make (by Gods grace) with the firſt conuenient weather and wind (after the expiration of the ſaid dayes) a Voyage from the Citie of London, to the Towne of *Saint Lucar De Barameda* in Spaine, and there to deliuer all the ſaid goods, well conditioned, and in ſuch ſort as they were deliuered vnto him, to ſuch a Merchant or Factor, as the Merchant the fraightor ſhall nominate and appoint, according to the Bills of lading made or to be made thereof; and there to remaine with his ſaid Ship the ſpace of twentie dayes, to take in and receiue all ſuch goods, as the ſaid Factor or any other by his appointment ſhall lade into her, and as the ſaid Ship may conueniently carrie, and being ſo laden, to returne backe againe for the ſaid Citie of London, and there to deliuer the ſaid goods alſo well conditioned, to the ſaid C. D. the Merchant, or his aſſignes. And the ſaid Maſter doth further couenant with the ſaid Merchant, that his Ship ſhall be furniſhed with twelue able men and a boy, tenne pieces of yron Ordnance,

namely, two Sakers, ſix Minions, two Falcons, and eight Muskets, with Powder, Shot, and all things neceſſarie, as Cables, Sayles, Ropes, Anchors and Victualls requiſite for ſuch or the like Voyage, &c. And hereupon C.D the Merchant and Fraightor, doth likewiſe couenant with the ſaid Maſter, or all the ſaid Merchants doe couenant with him, euery one for his tunnage as aforeſaid, that he or they and either of them, will lade or cauſe to be laden (within the dayes limited) the ſaid Ship, with ſuch and ſuch commodities accordingly, peſterable wares or goods excepted, which are goods of great volume and cumberſome, whereof no true computation for tunnage can be made: ſo that the fraight of ſuch kind of goods is made accordingly.

Peſterable wares or commodities.

And the ſaid Merchant doth further couenant to pay vnto the Maſter, three pounds or more for the fraight of euery Tunne lading vpon the full diſcharge of his ſaid Ship, and deliuery of the ſaid goods at London aforeſaid, accounting two and twentie hundreth and a halfe, or ſo many Kintalls for a Tunne; and in like manner for two Pipes or Butts, foure Hogſheads and other commodities rated for the Tunne or Laſt, as foure Cheſts of Sugar, Six Barrells of any other commoditie for a Tunne (as in the fourth Chapter of Weights and Meaſures is declared) with Primage, Petilodeminage, and ſometimes Pilotage, according to the accuſtomed manner in the like Voyages, &c. binding themſelues each to other for the performance thereof in a ſumme of money, *Nomine Pœnæ*, with ſuch other clauſes, conditions, cautions, or other agreements as may bee concluded betweene them, which being well expreſſed, preuenteth all thoſe and the like queſtions, which the Ciuilians doe diſcourſe vpon, as the following may be for an inſtance.

### *Queſtions about Fraightings, and their Solutions.*

If a Ship bee fraighted by the great, *Poſito* two hundreth Tunnes for the ſumme of ſix hundreth pounds, to bee payed at the returne; the ſaid ſumme of 600 ℔ is to bee payed, although the Ship were not of that burthen.

If the like Ship of 200 Tunnes be fraighted, and the ſumme is not (either by the Great, or Tunne) expreſſed; then ſuch fraight as is accuſtomed to be payed in the like Voyages, is due, and ought to bee payed accordingly.

If the like Ship of 200 Tunnes bee fraighted by the Tunne, and full laden, according to their Charterpartie: then fraight is to bee payed for euery Tunne, otherwiſe but for ſo many Tunne as the lading in the ſame was.

If the like Ship of two hundreth be fraighted, and named to be of that burthen in their couenant, and being fraighted by the Tunne, ſhall be found to bee leſſe in bigneſſe, there is no more due to bee payed, than by the Tunne, for ſo many as the ſame did carry and brought in goods.

If

If the like ſhip be fraighted for two hundred tunnes or therabouts, this addition *(or thereabouts)* is within fiue tunnes commonly taken and vnderſtood, as the moitie of the number ten, whereof the whole number is compounded.

If the like ſhip be fraighted by the great, and the burden of it is not expreſſed in the contract, yet the ſumme certaine agreed vpon is to be paied without any cauillation.

If fraight be agreed vpon for the commodities laden or to be laden, for a certaine price for euerie Packe, Barrell, Butt, and Pipe, &c. without any regard had to the burden of the ſhip, but to giue her the full lading: no man maketh doubt but that the ſame is to be performed accordingly.

If the like ſhip, or any other (being fraighted by the great for a ſumme certaine) happen to be caſt away, there is nothing due for fraight: but if the ſhip be fraighted by the tunne, or peeces of commodities laden and caſt away and ſome ſaued, then is it made queſtionable, whether any fraight be due for the goods ſaued *pro rata*, albeit there is none due at all: for the Aſſurors are not to bee abridged herein by any fraight.

Hence ariſe ſome other queſtions, *Exempli gratia*, Whether a Maſter of a ſhip (hauing vndertaken to carrie ouer a familie, or certaine ſlaues, or cattell, and ſome of them dying in the voyage) ſhall haue any fraught for thoſe perſons or cattell which are dead? whereupon three conſiderations are incident.

1 If the contract was made for the whole familie, ſlaues, or cattell, then the fraight or paſſage money is due, and to be paied for all.

2 If it be couenanted, that for euerie head or paſſenger, the maſter ſhall haue a certaintie: then for the dead neuer comming to the deſtined place, there is nothing due.

3 If it do not appeare how the agreement was made, but that there is a certain ſumme agreed vpon; then that agreement being an entire thing, is to be performed, although ſome died: the reaſon is, becauſe there was no fault in the maſter, and therefore the rule of *Re integra* remaineth good: and if a woman be carried ouer and be deliuered of a child in the voyage, yet there is nothing to be paied for the paſſage of the child which ſhe carieth in her armes.

There is an ancient queſtion, Whether a Maſter of a ſhip who promiſed to place another in his ſhip, and to expoſe him in a certaine place, can demaund any recompence for the ſame, he neuer hauing placed the partie there; but the partie came into the ſhip, and ſo went ouer: wherein they conſider the difference betweene liuing creatures and rational, or things dead and inſenſible: and diuers other reaſons which I omit, for it may well bee compared to the diſputation *de Lana Caprina*, whether the haire of the Bucke be wooll or haire, which putteth me in mind of a prettie tale, which for varietie of theame, I here beſtow vpon merrie conceited mariners.

A merrie tale of *Carons* wager.

The Poets (hauing made *Caron* to be the ferrie-man of hell, paſſing ouer

ouer the ſoules of an infinite number of perſons of diuers profeſſions) faine, That on a time a Sophiſter was to be tranſported, who tooke exception at *Carons* Beard, and by a Sillogiſme would proue him to be a Goat, framing his argument in this manner, A Goat hath a Beard which is neuer kembed, and you haue a Beard which is neuer kembed, *ergo* you are a Goat: *Caron* anſwering, did wonder at his concluſion, and tooke vpon him to proue the Sophiſter to be an Aſſe, becauſe that of a compariſon he made an argument: for ſaieth he, if you had made a Sillogiſme in this manner, That which is Haile is no Snow, Haile is white, *ergo* Snow is not white; then there had beene ſome ſhew of Reaſon. But tell me, what is an Aſſe? and the Sophiſter anſwered, It was a liuing creature without Reaſon, and being demaunded what Reaſon was, he ſaid, It was to follow and vſe the good, and to ſhun the euill: then *Caron* concluded vpon his owne words, and ſaid, Your own words haue proued you an Aſſe, wanting Reaſon; for you had no Reaſon in the world, whereby you ſhould be guided to follow the good, which is vertue, but you haue followed euil, which is vice, which made you to come hither to receiue the puniſhment of an Aſſe, which (being incident vnto moſt mariners comming on ſhoare) I wiſh them to remember thankeſgiuing to God.

A ſophiſticated Argument.

And to conclude concerning Fraightments and Charterparties, let vs obſerue, that equitie in all things is to be conſidered, and eſpecially in ſea-fairing cauſes, and cauillations are to be auoided, as for example,

A Merchant fraighted a ſhip with all his furniture by the moneth, and putteth into her the Maſter and Mariners, and victualled the ſame at his charges, and maketh a charterpartie with the owner, promiſing to pay for the vſe of the ſhippe and furniture twentie pound euerie moneth at her returne into the riuer of Thames, and ſo ladeth in her for the Straits, and to go from Port to Port in ſeuerall places with merchandiſe,: and after two yeares, or thereabouts, hauing taken her lading in Barbarie, commeth for London, and by ſtorme and tempeſt the ſhip was caſt away neere Douer, and the goods were ſaued; hereupon the Merchant denied to pay the fraight monethly to be reckoned, becauſe the ſhip did not arriue in the riuer of Thames, according to the words in the charterpartie. Herein the owner was much wronged: for the money is due monethly, and the place is named onely to ſignifie the time when the money was due to be paied; for the ſhip deſerueth wages like vnto a labourer, or like a mariner which ſerueth by the moneth, who is to be payed for the time he hath ſerued, although he dies before the voyage be ended, as we find daily that the Eaſt-Indies companie payeth to their wiues or friends, *The labourer is worthie of his hire.* The ſhip is not fraighted by the great, to run that aduenture, which is noted before, neither was ſhe wanting her furniture of Cables, Anchors, Sailes, Ropes, or any thing whereby ſhe was diſabled to performe the voyage, and might be the cauſe of the caſting away: for if it were ſo, then there were

Equitie in ſea-faring cauſes much to be regarded.

were great cauſe giuen to denie the payment of the fraight. Againe, where it was alleaged, that the ſaid owner hath made aſſurance vpon the ſhip, for more than the ſame was worth, and did thereby recouer of the Aſſurors a benefit towards his loſſe, this did not concerne the Merchant, but the Aſſurors: and if the aſſurance were orderly made, the ſaid Aſſurors haue paied the ſame duely, that is to ſay, If the pollicie or writing of aſſurance did declare, That the owner did value his ſhip in ſuch a ſumme; whereof hereafter you may read in the proper place, intreating of the nature of Aſſurances. A Merchant valued one barrell of Saffron at 1000 ℔, hauing priuately put ſo much in Gold in the ſame, the Gold was taken, but the Saffron was deliuered, and the Aſſurors did pay for the Gold. And the like is for Pearles or other things ſo valued.

*Item*, when Coffers, Packes, or Pipes, and other marked commodities or goods are deliuered cloſe packed or ſealed, and afterwards ſhall be receiued open and looſe, the maſter is to be charged for it, vntill a due triall, and that conſideration thereof be had; he muſt alſo anſwere for the harme which Rats do in the ſhip to any merchandiſe for want of a Cat.

The Merchant on the other ſide, is to be bound by the ſaid charterpartie to pay the fraight of the goods by him laden, either by the Laſt, Tunne, or by the Packe and Fardel, according to the agreement; accounting for a Laſt, Tunne, or other thing, after the rate of a Tunne lading, wherein peſterable wares which take a great deale of roome are excepted, and muſt be agreed for, and the goods laden are liable for the paiment of the fraight. The Merchant likewiſe doth couenant to pay Pilotage, if a Pilot be vſed to bring the ſhip into the harbor; alſo primage, and petilodmanidge to the maſter for the vſe of his Cables to diſcharge the goods, and to the mariners to charge and diſcharge them, which may be ſixe pence or twelue pence for the Tunne lading, with ſome other clauſes and agreements made betweene the ſaid Merchants and Maſter: wherein it is not amiſſe to limit a good ſumme of money on either ſide to be paied for the performance of the charterpartie, and to couenant the ſame by the ſaid charterpartie, whereof I do here preſcribe but one forme, conſidering the diuerſities of conditions therein vſed, as the Merchant and Maſter can agree, which euery Scriuenor doth vſually make accordingly, as in this Chapter is rehearſed.

Pilotage. Primage. Petilodmanidge.

(***)

CHAP.

## CHAP. XXII.

### *Of the Maſter of the Ship his power, and duetie of the Maſter to the Merchant.*

Law of *Oleron.*

THE whole power and charge of the ſhip being committed to the Maſter, requireth a ſtaied man and of experience, whereunto the Owners are to take great heed, for his power is deſcribed partly by the Owner or ſetter forth of the Ship, and partly by the Common-law of the ſea; by meanes and vertue whereof the Maſter may, if need be, borrow money in a ſtrange countrie, with the aduice of his companie, vpon ſome of the tackle or furniture of the Ship, or elſe ſell ſome of the Merchants goods, prouided that the Merchant be repaied againe at the higheſt price that the like goods are ſold for at the market: which being done, the fraight of thoſe goods ſo ſold and repaied, ſhall be alſo repaied by the Maſter to the Owner of the Ship, aſwell as the fraight of the reſt of the Merchants goods, except the Ship periſh in the voyage in this caſe, onely the price that the goods were bought for ſhall be rendred, and for no other cauſe may the Maſter take vp money, or ſell any of the Merchants goods, although it were in the danger of ſhip-wrecke.

The duetie of a Maſter of a Ship, &c.

Such is the duetie of a Maſter of a Ship that is prouident, that he ought not to make ſaile and put forth to ſea, without the aduice and conſent of the moſt part of his companie, eſpecially when the weather is ſtormie; otherwiſe he ſhall anſwere the damages that commeth thereby; principally, if he haue not prouided an expert Pilot, or if the Ship happen to fall ouer in the harbour.

The Maſter ſhall be puniſhed alſo by damages, if the ouerloope of the Ship be vntyth, or the Pumpe be faultie, or a ſufficient couering be wanting, eſpecially for Corne, Victuall, and ſuch like commodities.

He is alſo before his departure to deliuer the names of all the perſons which he is to tranſport, and of his mariners, which with vs is but lately eſtabliſhed: and at his returne he is to deliuer a true Inuentorie of the goods of any perſons which ſhall happen to depart this

this life in that voyage, not onely becauſe his kindred and friends may haue intelligence of it, but alſo becauſe their goods may bee ſafe and forthcomming for one whole yeare: of which goods in the meane time, the bedding and appurtenances may bee taken by the Maſter and his Mate to their vſes, as alſo ſuch clothing and other things then vpon his bodie, may bee deliuered to the Boats-man and the company, who doe for that diſpoſe of the dead bodie, putting the ſame into the Sea.

When any goods or merchandiſes are deliuered vnto the Maſter, or his Clearke the Purſer of the Shippe, and laid within boord, or to the Ships ſide, both wayes, is at the Maſters perill. But the Maſter is not bound to anſwere for ſuch things as are put in his Ship, without his and his companies knowledge; becauſe where men are found ignorant, they are alſo eſteemed not to conſent. But if the Merchant or Paſſenger keepe his goods by himſelfe, as monies or ſuch things, in his Coffers, and then find fault to haue loſt them: then the Maſter and Company are to purge themſelues by their oath; but if afterwards notwithſtanding they be found guiltie, the denier ſhall pay the double, and alſo be puniſhed for periurie. Ignorance is here a good excuſe.

The Maſter is lyable for all damages ſuſtained by bad Hookes, Ropes, Blockes, or Lines, if the Mariners doe giue notice of it, and they ſhall beare their parts in the damage, and ſo is he alſo to anſwere any dammage happening by vnreaſonable ſtowing or breaking of goods, and therein he and his companie may be put to their oath.

Further, whatſoeuer ſhall happen through fault, negligence, or chance, which might be auoided, or if it bee done by the paſſengers or other than himſelfe and his companie, the Maſter is anſwerable.

If by the Maſters default, confiſcation of goods or other damages happens for non-payment of Cuſtome, or falſe Bills of entries in the Cuſtome-houſe for goods, or for tranſporting of vnlawfull goods, the Maſter ſhall anſwere for the ſame with the intereſt. Law of Oleron

But concerning the ſuing for the ſaid goods, the Maſter may well doe it, as the Merchant may purſue for ſpoyled goods. And notwithſtanding if it ſhall bee found, that the Merchant is in any fault concerning the goods, as aforeſaid; then if the Maſter, and foure of his companie, Mariners, ſweare no fault to haue beene in them, the Maſter ſhall be cleared thereby.

The Maſter is to keepe his companie in peace, and if any Mariner ſhall be hurt in doing ſeruice, or by his companion, the Maſter ſhall cauſe him to be healed, as hee who is onely anſwerable for the fact within ſhipboord, and then by his authoritie recouer from the other Mariner the charges, and any thing that the hurt man hath loſt thereby; except that hee who is hurt or lamed, haue prouoked the other by euident aſſault or ſtroakes.

And if a Mariner fall ſicke, the Maſter ſhall cauſe him to bee laid in a houſe, with all ſuſtentation neceſſarie and vſuall in the Ship; but ſhall not ſtay the Ship vntill hee bee healed: and when hee recouers

health

health ſhall giue him his hyre, or if hee dye ſhall giue it to the wife or neereſt friends. But if a Mariner bee not hurt in the Ships ſeruice, the Maſter ſhall hyre another in his place who if hee haue a greater hyre, that Mariner then ſhall recouer the ſurplus. And alwayes the Maſter ought to lend his Mariners if they want. If through the Maſters fault the Shipboat periſh, with any Mariners in it, by ſpoyled Ropes or otherwiſe, then ſhall the Maſter pay one whole yeares hire to the heires of the drowned.

*Item*, he ought to giue his Mariners Fleſh vpon Sunday, Tueſday, and Thurſday, and vpon other dayes Fiſh or ſuch like, with ſufficient drinke; but no meat to them that ſleepes not in the Ship. Neuertheleſſe the qualitie and quantitie of Mariners food and hires goeth diuerſly, according to the diuers Cuſtomes of Countries, and the conditions made with them at the entring of the voyage, whereof remembrance is to be kept to auoid diſcords, which are more dangerous on the Seas than on Land.

## CHAP. XXIII.

### *Of the Duties and Priuiledges of Mariners.*

ACcording to the Law of *Oleron*, Mariners owe all due obedience to the Maſter, not onely in flying from him in his wrath, ſo farre as they can, but alſo in ſuffering; yet may they after one ſtroake defend themſelues.

In caſe of rebellion of Mariners againſt their Maſter, which is thought then to be done, when the Maſter hath thrice lifted the Towell from before any Mariner, and yet he ſubmits not himſelfe: then may hee not onely bee commanded forth of the Ship at the firſt land, but alſo if hee make open ſtrife and debate againſt the Maſter, hee ſhall loſe his halfe hire, with all the goods he hath within ſhipboord.

But if in this ſtrife a Mariner vſeth any armour or weapons, then ſhould the reſt of the Mariners bind him, impriſon him, and preſent him to the Iuſtice: ſo that if any refuſe to aſſiſt, hee ſhall loſe his hire and all things he hath within ſhipboord. Yea in caſe any number of the Mariners would conſpire, and force the Maſter to paſſe to any other Port than to the which he was fraighted, they may bee accuſed criminally and puniſhed, as for a capitall crime.

And

And yet if a rebellious Mariner repent in time, and offer amends for a ſimple rebellion, and the Maſter notwithſtanding refuſe, he may follow the Ship and obtaine his hire.

Mariners ought each one to helpe and aſſiſt others on the Seas, or elſe he that refuſeth loſeth his hire, and the oath of his fellowes ſhall be a proofe againſt him.

Mariners in a ſtrange Port, ſhould not leaue the Ship without the Maſters licence, or faſtning her with foure ropes, or elſe the loſſe fals vpon them. They are alſo to attend the Ship vntill ſhee be diſcharged and ballaſted new, and the Tackle taken downe. And if a Mariner during the time of her diſcharge and lading, labour not with the reſt of the companie, but goeth idle, and abſents himſelfe, hee ſhall pay a fine to the reſt of the companie *pro rata*. In a ſtrange Countrey, the one halfe of the company at the leaſt, ought to remaine on ſhipboord, and the reſt who goe on land ſhould keepe ſobrietie and abſtaine from ſuſpected places, or elſe ſhould be puniſhed in bodie and purſe: like as he who abſents himſelfe when the Ship is readie to ſayle, yea if he giue out himſelfe worthier than he is in his calling, hee ſhall loſe his hire, halfe to the Admirall, and the other halfe to the Maſter. But this eſpecially ought to be executed againſt an vnworthy Pilot. The Mariner alſo forfeits his hire, if the Ship breake in any part, and hee helpe not with all his diligence to ſaue the goods.

If it chance otherwiſe than well with the Maſter, the Mariners are then holden to bring backe the Ship to the Port, from whence ſhee was fraighted, without delay, except it bee otherwiſe prouided.

A Mariner may carrie as much meat out of the Ship, as hee may eat at a meale, but no drinke.

A Mariner may keepe either his portage in his owne hands, or put forth the ſame for fraight, and yet the Ship ſhall not ſtay vpon the lading of his portage: ſo that in caſe the Ship be fully laden before the goods for his portage bee brought in, hee ſhall onely haue the fraight of ſo much goods.

If a Ship paſſe further than the Mariner was hired, his hire ſhould be accordingly augmented, except hee be hired *a Mareages, mais non a deniers*, as the French man ſpeakes, or by the moneth for all the yeare.

If a Mariner runne away with his hire vndeſerued, hee deſerues the Gallowes.

If a Mariner be hired for a ſimple Mariner, and afterwards in the voyage findes hiring, to be a Pilot or a Maſter, he may paſſe, reſtoring his former hire; and ſo it is if he marrie.

Mariners are not onely to diſcharge and deliuer goods out of the Ship, but alſo if no Porters or Carriers bee in thoſe parts, to carrie the ſame themſelues for ſuch hire as other workemen ſhould haue had therefore.

If it happen a Ship to be priſed for debt, or otherwiſe to bee forfeited,

feited, yet the Mariners hire is to be payed, and if ſhe proſper, to receiue their pay in the ſame money that the fraight is payed with.

*Laſtly*, a Mariner ſhould neither be arreſted, nor taken forth of a *Ship* making readie to ſayle, for any debt, but onely his hire and as much other goods as hee hath in the Ship may be arreſted for it, according to the value of the debt, and the Maſter to bee anſwerable for all; becauſe the Ship is compared to a mans dwelling houſe, which is his ſure refuge by the Law, except it be for a ſworne debt, or a penaltie to the King through ſome crime.

## CHAP. XXIIII.

### *Of the Office of* Aſſurances, *and the Ancient Cuſtome of the ſame.*

*Suetonius.*

*Claudius Caſar*, the fifth Romane Emperour, by ſucceſſion of gouernement from *Iulius Caſar*, who was before the Birth of our Sauiour Chriſt, (borne vnder *Auguſtus*) and the firſt perſecution of Chriſtians was vnder *Tiberius*, and the ſecond (more cruell) vnder *Caligula*, whom *Claudius* did immediately ſucceed.

This *Claudius* did bring in this moſt laudable Cuſtome of Aſſurances, whereby the danger and aduenture of goods is diuided, reparted, and borne by many perſons, conſenting, and agreed vpon betweene them, what part euerie man will be contented to aſſure, make good and pay if any loſſe or caſualtie ſhould happen to the goods aduentured, or to bee aduentured at the Seas, as alſo by Land; to the end that Merchants might enlarge and augment their Trafficke and Commerce, and not aduenture all in one Bottome to their loſſe and ouerthrow, but that the ſame might be reparted and anſwered for by many.

This Cuſtome comming to the knowledge of the inhabitants of Oleron was recorded, and by them ſet downe for a Law, and practiſed to be obſerued through all the Sea-coaſt Townes of France, and yet was firſt vſed in England, and after vs imitated by the Antuerpians, and all other Nations there inhabiting when that Citie did flouriſh. And whereas here in London, the meeting amongſt Merchants was in Lombard-ſtreet in London, as aforeſaid (ſo called, becauſe certaine Italians out of Lombardie kept there a Pawne-houſe or Lombard,

*Lombard-ſtreet, then the Exchange of Merchants.*

Lombard, long before the Royal Exchange was builded by ſir *Thomas Greſham* knight) all the policies or writings of Aſſurances which then were, and now yet are made, do make mention, That it ſhall be in all things concerning the ſaid Aſſurances, as was accuſtomed to be done in Lombard Street in London; which is imitated alſo in other places of the Low-countries. Theſe Aſſurances are made in the ſaid Office in the Weſt end of the ſaid Royall Exchange in London, which are of ſeuerall natures, as followeth, and at diuers and ſeuerall rates. The Commiſſioners for the ſaid Aſſurances are choſen yearely (or at the leaſt ſome of them) in the beginning of euerie yeare; And at Roan, at the time when the Merchants of all nations chuſe their Prior and Conſulls. The chiefe authoritie with vs doth reſt in the Lord Maior of London, confirmed by an Act of Parliament in the later time of Queene *Elizabeth* (as you may vnderſtand by the manner of proceedings for Aſſurances) for the obtaining whereof, I haue ſundrie times attended the committees of the ſaid parliament, by whoſe meanes the ſame was enacted, not without ſome difficultie: becauſe there was many ſuits in law by action of Aſſumpſit before that time, vpon matters determined by the commiſſioners for Aſſurances, who for want of power and authoritie could not compell contentious perſons to performe their ordinances; and the partie dying, the Aſſumpſit was accounted to be void in law.

### *The nature of Aſſurances.*

THe nature of Aſſurances are either vpon goods laden or to be laden outwards in ſuch a ſhip, bound from ſuch a place to ſuch a place. As for example, from London to Saint Lucar vpon Perpetuanoes or Corne, vntill it be laied on ſhoare at Siuill, which aduenture is as well in the ſmall ſhips, lighters, or boats, whereby it is carried vp to the citie of Siuill vntill landing of it, as it was in the ſhip whereby the ſaid Perpetuanoes or Corne was tranſported from London to Sain Lucar; and any damage either totally or in part, is to be anſwered by the Aſſurors accordingly, and *pro rata* that euerie man hath ſubſcribed in the policie or writing of Aſſurance, as by the ſaid commiſſioners for Aſſurances ſhall be ſet downe.

Other Aſſurances are made vpon goods laden or to be laden homewards in ſuch a ſhip vnder ſuch a marke, the maſters name, and any other circumſtances wherby the ſaid goods or commodities may be knowne to be the ſame that are aſſured; as laden, or to be laden, by ſuch a man, in ſuch a place, about ſuch a time, &c. which if it be in any ſhip that was fraighted outwards, may be better ſpecified, or if it be by letters of aduice, it may be deſcribed accordingly, which aduenture may alſo run from the time that the ſaid goods (*poſito* oyles of Vtrera) were laden into any Veſſell, Lighter, or Boat, to come downe the riuer to Sain Lucar to be laden in ſuch a ſhip, or any ſhip (neither naming the ſhip nor maſter) vnto the citie of London,

and the ſaid Oyles there laied on land. But to declare that the Pipes are marked with ſuch a marke, to be laden by ſuch a man, doth much ſtrengthen the ſaid Aſſurance, to auoid cauillations, doubts, or controuerſies.

Other Aſſurances are made vpon goods laden in a ſhip for a certaine place, which ſhip is fraighted going and comming; as for Turkie, or any places in the Mediterranean ſeas, bound to go into ſeuerall ports to diſcharge part of the lading in one place, and the reſt in another place; and then to lade againe homewards in ſuch another place: and all this Aſſurance is one entire Aſſurance, vntill the ſhip be returned home, and the goods ſafely receiued on land.

Other Aſſurances are made vpon goods to be ſent or laden from one place to another, and vpon the returne of the prouenue thereof; as from Lixborne to Braſile, and backe againe to Lixborne; or from Saint Lucar to the Weſt-Indies, Santo domingo, Perou, or any other places, and ſo backe againe; or from Portugall to the Eaſt-Indies, and in like manner to Lixborne againe. All which Aſſurances are verie daungerous, becauſe a man cannot haue aduice when the voyages are performed; and it hath fallen out, that the Aſſurors haue borne two aduentures for one, the ſhip making two voyages vnknowne to the Aſſurors, dwelling in remote places.

Other Aſſurances are made vpon the Ship or Shippes Tackle, Furniture, and Keele of the Shippes, ſo called becauſe all is to be bound to the Aſſurors, and likewiſe the Aſſurors are liable and bound to anſwere for the whole Ship, as alſo for Cables, Anchors, and any Furniture, or part of the ſame, which is alſo dangerous and much ſubiect to Aueridges and other caſualties, eſpecially if it be vpon a Shippe that cannot drinke of all waters, whereunto diuers men may lay claime; or for ſome act perpetrated by her in times paſt, whereby the ſame may bee called in queſtion, which is the cauſe that the price of aſſurance vpon Ships is almoſt double.

Other Aſſurances are made vpon goods and merchandiſes ſent by land from one place to another, by the Conductors or Carriers to Venice, Frankford, or any other places, wherein the goods commonly are declared, and the marke alſo: and this manner of Aſſurance is eſpecially performed by the Conductors, who take for the charges a certaine allowance for euerie pound weight that the goods do weigh, and moreouer 2, 3, or 4 vpon the hundreth pounds in value that the ſaid goods are eſteemed to be worth: and he doth appoint a ſufficient gard of ſouldiors to conuey the ſame by land and riuers to the places intended, which neuertheleſſe by a ſtronger power haue many times been taken by the Freebooters.

Other Aſſurances are made vpon the liues of men, for diuers reſpects, ſome becauſe their eſtate is meerely for terme of life, and if they

they haue children or friends to leaue ſome part of their eſtate vnto, they value their life at ſo many hundreth pounds for one or more yeares, and cauſe that value to be aſſured at fiue, ſixe, ten or more for euerie hundreth pounds, and if he do depart this life within that time, the Aſſurors pay the money; as it happened of late, that one being ingaged for ſir *Richard Martin* Knight, Maſter of the Mint, cauſed 300 ℔ to bee aſſured vpon the life of the ſaid ſir *Richard*, being ſome 90 yeares of age, and therefore gaue twentie and fiue *pro centum* to the Aſſurors: The auncient knight dyed within the yeare, and the ſaid Aſſurors did pay the money. Alſo one maſter *Kiddermaſter* hauing bought an office of the ſixe Clerkes of the Chauncerie, and taken vp money of others, cauſed for their aſſurance for many yeares together 2000 ℔ to be aſſured vpon his life after foure and fiue in the hundreth, vntill he had paied that money; which is verie commodious.

Likewiſe a traueller vndertaking a voiage to Ieruſalem or Babylon, deliuering out money payable at his returne, will prouidently aſſure a ſumme of money vpon his life, either to ſecure ſome men that do furniſh him with money to performe his voyage, and to put forth the greater ſumme, or to leaue ſome meanes vnto his friends, if he ſhould die and neuer returne. So that this office is moſt neceſſarie in all humane actions, and men cannot inuent or imagine any thing, but the value of it may be aſſured, as you may iudge by the former examples. And herein muſt be noted, that Aſſurors are verie fitly compared vnto Orphanes, becauſe they may endure much wrong, but cannot commit any; for they are to be ordered and commaunded by the Commiſſioners ſentence, and muſt performe the ſame; to which end the Lord Maior of London (for the time being) hath authoritie to commit them to priſon, if in caſe they do not ſatisfie the ſame within a time limited, vntill they do it.

Other Aſſurances are made, and theſe are the moſt dangerous of all, becauſe they are made vpon ſhips and goods, loſt or not loſt; which is not onely in regard that a ſhip knowne to be departed, doth not arriue in many moneths after to the appointed place of diſcharge: but alſo if any newes doe come that the ſhip and goods is caſt away, neuertheleſſe if the Aſſurance be made with the wordes (loſt or not loſt) the Aſſurors beare the aduenture of it, vnleſſe it can be proued that the partie who cauſed the Aſſurance to be made, did ſee the ſhip when it was caſt away, in this caſe it is a fraud: as the fraudulent dealing of him that had a rotten ſhip, and cauſed aſſurance to be made vpon her, and cauſed the ſame to periſh or ſinke at the ſeas, to make the Aſſurors to pay for his rotten ſhip which could not be ſold by him. Fraudulent Aſſurances.

In the caſe of Aſſurances of loſt or not loſt, I remember that in the yeare 1583, there was a rich Carracke called the Saint Peter, (comming from the Eaſt-Indies for Lixborne) miſſing a long time, and there was aſſurance made vpon her in Antuerpe, Roan, and other

places, at 30 *pro centum.* Within three yeares after, there came or did arriue at Lixborne a ſmaller ſhip richly laden, which was made of the other ſhip which was caſt on ſhoare in a certaine Iſland, and thereupon certaine controuerſies did ariſe betweene the owners of the goods and the Aſſurors, as alſo the maſter and mariners. At laſt it was adiudged at Lixborne by the ſea-law, that the maſter and mariners ſhould haue one third part, and that the Aſſurors ſhould come in for ſo much as they had *pro rata* aſſured, all charges deducted; the ſhip to be the owners of the former Carracke: with the like conſideration as aforeſaid.

Prices of Aſſurances.

Concerning the price of Aſſurances or *Premio* (as the Spaniards call it) it is differing in all places, according to the ſcituation of the place, and the times either of warre or peace, or daunger of Pirats, men of warre, or rockes, and vnacceſſible places, ſeaſons of the yeare and ſuch like: and the ſaid *Premio* was neuer leſſe than at this time, for Aſſurances are made for Middleborough and Amſterdam at 3 *pro cent.* the like from London to Roan and Diepe, Edenborough in Scotland, and Hamborough in Eaſt-land: and from London to Bourdeaux and Rochell, Lubecke, Denmarke, 4 vpon the hundreth: as alſo for Barbarie, for Lixborne, Biſcay, Ireland, Danſicke, Riga, Reuell, and Sweaden, 5 in the hundreth: Siuill, Gibraltar, Maliga, and the Iſlands, 6 and 7: for Ligorne, Ciuita Vecchia, 8 and 9: Venice 10, Wardhouſe 9, Ruſſia 9, Santo domingo 11 and 12: and for the Eaſt-Indies 15; nay both for going and comming hath bin made at 20 *pro centum.*

## CHAP. XXV.

### *Of pollicies of* Aſſurances, *and the ſubſtance of them, and of* Contributions.

WEe haue partly touched what a policie or writing of Aſſurance is, by the nature of Aſſurances aforeſaid, and the dangers and aduentures whereunto the Aſſurors are ſubiect. But now we are to expreſſe them vpon the verie words contained in all or moſt policies of Aſſurances, namely,

*Of the Seas, men of Warre, Fire, Enemies, Pirats, Rouers, Theeues, Iettezons, Letters of Mart, and Couenants, Arreſt, Reſtraints and Detainements of Kings and Princes, and of all other perſons,*

*Barra-*

*Barratrie of the Maſter and Mariners, and of all other Perills, Loſſes and Misfortunes whatſoeuer they be, and howſoeuer they ſhall happen or come, to the hurt and detriment of the Goods and Merchandiſes, or any part or parcell thereof, &c.*

Firſt, the Policie of aſſurance ſaith, That ſuch a man (of what nation or qualitie ſoeuer he be) cauſed himſelfe to be aſſured from ſuch a place to ſuch a place, vpon goods or, &c. laden or to be laden, in the good Ship called the Dragon, or &c. of the burthen of ſo many Tunnes, whereof A.B. is Maſter for ſuch a voyage, and to beare the aduentures aboueſaid. If the perſon whoſe name is vſed in the aſſurance, be in time of warre taken to be no friend to the State, there is a danger to pay the ſaid aſſurance; if (after the ſubſcription of the aſſurour) the goods ſhould bee arreſted and be made forfeited to anſwere the ſame to the Prince, albeit this was by the late Queene *Elizabeth* contradicted in the point of honour, as it pleaſed her of a royall and noble diſpoſition to ſay in a caſe concerning the Portugalls, ſubiects to her aduerſarie, *Phillip* the ſecond King of Spaine. For in the yeare 1589, a great Ship being taken by certaine men of warre of London, and brought into Plimmouth laden with Pepper, Sugar, and other commodities at Lixborne, to bee deliuered at Venice; it pleaſed the Lords of her Highneſſe moſt honourable priuie Councell to deliuer vnto me all the Letters, Bills of lading, and Inuoyces which were found in the ſaid Ship (being written in ſix or ſeuen ſeuerall languages) to the end I ſhould make true report of the contents of them, to know to whom properly the ſaid goods did appertaine: in doing whereof I found that a great part of the ſaid goods did belong to the Venetians, as alſo to the Florentines, with whom the ſaid Queene had no quarrell; but that the ſaid goods were aſſured at Lixborne by the Portugall Merchants. Hereupon there was a pretence to make them good prize, and the matter was long debated, and at laſt reſolued that the parties ſhould haue reſtitution of their goods, the rather for that the Portugalls were great loſers many wayes: which was done accordingly.

The loſſes which ordinarily, according to the ſeaſons of the yeare happen vpon the Seas are knowne: the like is, more or leſſe, with men of warre, enemies, Pirats, Rouers and theeues, eſpecially with men of warre in times of hoſtilitie (as it is in times of peace by Pirats, Rouers, or theeues) which are aſſayling theeues: for otherwiſe if there bee theeues on ſhipboord within themſelues, the Maſter of the Ship is to anſwere for that, and to make it good, ſo that the aſſurors are not to be charged with any ſuch loſſe; which ſometimes is not obſerued. As fraudulent aſſurances and the loſſe of ſtolne goods within ſhipboord, doth not concern the aſſurors: ſo likewiſe the fault of the Pilot is to bee conſidered on their behalfe, by the Lawes of *Oleron*, after that the Pilot hath brought the Ship in ſure harbour, hee is no further bound or lyable: for then the Maſter is to ſee to her bed and her lying, and beare all the reſt of her burthen, charge, and danger,

Loſſes to be well conſidered of, in the behalfe of the aſſurors.

danger. So that if before ſhe come into the Port or ſome ſafetie, either ſhee or goods periſh or bee ſpoyled, the Pilot makes good the ſame; yea if his fault or ignorance bee ſo groſſe, that the companie ſees any manifeſt and preſent wracke to all thereby, then may they lead him to the Hatches and ſtrike off his head.

Lawes againſt vnskilfull Pilots.

Moreouer, if without apparant danger, ſome of the skilfulleſt Mariners deeme that a Pilot is not ſo skilfull, as hee maketh boaſt or profeſſion of, then ſhall he both loſe his hire, and double the ſame to the Admirall and Maſter, or elſe (by the Law of Denmarke) paſſe thrice vnder the Ships Keele. And alſo if a Pilot hired for a voyage bee not readie againſt the day, hee ſhall not onely pay the Maſter and Merchants damage or ſtay; but alſo the fraight that is loſt thereby, except ſickeneſſe or ſome very lawfull excuſe qualifie the ſame.

The like conſideration muſt be had in the contribution made to ſatisfie Pirats; for if ſhip or goods be redeemed from a Pirat, the contribution muſt be made by all, becauſe the redemption is made for the ſafetie of all. But if the Pirat be once maſter of all, and yet take but ſome ſpeciall goods, whether from Ship or Merchant, and not as a contentation for ſparing of the reſt: in this caſe becauſe the remainder is not aſſured thereby but freely ſpared, no contribution is to bee made for the taken goods, to charge any aſſuror with any part thereof; For oftentimes Pirats take but things at pleaſure and not of mind to ſpoyle. But now adayes commonly it is taken and ſuppoſed otherwiſe, howbeit beyond the Seas the loſer of the goods ſo taken, beareth his owne loſſe vnleſſe it bee aſſured. It was ſo iudged by a packe of Stockings taken (out of a ſhip of Amſterdam bound for Sanlucar) by the Moores of Barbarie, in the yeare 1589, and the aſſurors payed accordingly, who had aſſured onely vpon that Packe: whereas if it had bin caſt into an Aueridge to make all the aſſurors of that Ship contributarie, the ſaid aſſurors had beene much eaſed. And it is therefore to be obſerued, and the Law of *Oleron* is, If by the loſing of any caſt goods, or vpon any needfull occaſion the remaining goods be ſpoyled, either with wet or otherwiſe, a contribution ſhall bee made proportionable for ſo much as they are made worſe.

Contribution for ſpoyled goods.

Contribution for lightening

Againe, if it be needfull to lighten a Ship, for her eaſier entrie into the harbour or channell, two parts of the loſſe fall vpon the goods, and the third part vpon the Ship, vnleſſe the Ship is more worth than the lading, and that the charge of goods bee not the cauſe of her inabilitie to enter, but ſome bad qualitie proceeding of the Ship it ſelfe, or that otherwayes it be prouided in the Charter-party, that the goods ſhall bee fully deliuered at the Port couenanted and appointed for them. Condition makes law, which concerneth the aſſurors alſo to looke vnto. In which caſe it is alſo to bee obſerued, That if by occaſion of lightening, the goods which are in the Boat or Lighter periſh, the Ship and the goods remaining on ſhipboord ſhall make good the ſaid loſſe. But on the contrarie, if the Ship and

goods

goods remaining periſh, after the Lighter is once ſafe, no contribution ſhall be ſet vpon the goods in the Lighter, becauſe it is a certaine rule, That goods are lyable onely to contribution, when ſhip and goods come ſafe to the Port.

*Item*, contribution ſhould be for the Pilots fee, that hath brought the Ship into an vnknowne Port for her ſafegard, as alſo to raiſe her off ground, when the fault is not in the Maſter. Contribution for Pilots.

So is it when two Ships ruſh and croſſe one ouer another, and the company ſweare, that it lay not in their power to ſtay the ſame, contribution muſt bee made for the repairation of both their loſſes; but not ſo if one of them periſh, for which an Action may be brought againſt the negligent Maſter or Mariner, who did make her looſe. And therefore, if ſuch a chance doe happen in the day time by a Ship vnder ſayle, againſt a Ship riding at Anchor; then the Maſter of that ſayling Ship, ſhall make good the damage and hurt of the other, to the vttermoſt: and the like ſhall bee done, if in the night the riding Ship doe put forth fire and light, or make any crying to forewarne the other.

It alſo appertaineth to this Argument; If ſome ſort of goods, as Salt, or Corne, be laid on heap by diuers parteners in one Ship, without diſtinction, and that the Maſter deliuer to any of them their due meaſure, and before the reſt receiue their meaſures, the remaining Salt or Corne waſhes or loſes; he that had the hap to bee firſt ſerued, enioyes it fully without any contribution to the parteners; becauſe when theſe goods were put into the Ship, it was deliuered to the Maſter, *Tanquam in creditum*, and ſo hee is become owner, as of money lent, which men are not bound to redeliuer in the ſelfe ſame pieces, but in value or ſuch like coyne, except there bee ſome condition paſt to the contrarie. And albeit this is not to be imputed vnto the Maſter as a fault, yet if hee that receiueth a loſſe thereby, will bring in this as an Aueridge, and charge the aſſurors with contribution, it is vniuſt, for the reaſon aforeſaid; and the Maſter muſt of neceſſitie deliuer to one man before another. And therefore in the next Chapter wee will ſet downe the manner of execution for contributions, otherwiſe called Aueridges. First come, firſt ſerued.

Concerning the danger and aduenture of Letters of Mart, or Contremart, *Siue ius Repriſaliarum*, or Letters of Marque, euery one knoweth that men hauing theſe Commiſſions or Letters from their Prince, are very vigilant in all places to ſurprize Merchants Ships and goods; for in this, one extremitie doth inforce another extremitie, when a man is oppreſſed with robberie, ſpoyles, and violence on the Seas, by men (falſly profeſſing friends) in ſuch ſort, that no petition, interceſſion, or trauell, can procure a mans right, but that the ſubiect of one Prince hath open deniall of iuſtice, or reſtitution of goods cannot be had at the hands of a ſubiect of another Prince, nor of the Prince himſelfe, who ſhould ſuppreſſe iniuries and wrongs: Then (becauſe ſuch vniuſt dealing doe import iuſt cauſe of hoſtilitie Letters of Mart.

and

and warfare) may theſe Letters of Mart bee procured, to the end men may haue reſtitution or recompence of their loſſes, eſpecially, becauſe theſe proceedings ſeeme to denounce a warre without any Proclamation, ſhewing vnto other Nations the like diſtaſtfull fauours as they ſhew vnto vs, which are allowed to bee done by Cuſtomes, Reaſons, and alſo by Statute Law in Scotland, and afterwards in England: The aſſurors therefore cannot bee fauoured herein.

Detainment of Princes.

The next is *Arreſts, Reſtraints, and detainements of Kings and Princes, and of all other Perſons* happening both in time of warre and peace, committed by the publike authoritie of Princes, as alſo by priuate perſons, both wayes dangerous.

Priuiledged Ships.

There are in all Countries Priuiledged Ships and Boates, ſeruing the Countrey or the Prince, which haue great Prerogatiues, and are free of Impoſt and Cuſtomes, and not ſubiect to arreſts; therefore the aſſurors are not to care for them, for they are to ſerue the Prince: and all Ships are ſubiect to this ſeruice vpon command, and if they refuſe, their Ships are forfeited by the Sea-lawes: therefore in theſe caſes the fauour of the Admirall is alwayes required. It is an ordinarie matter in Spaine and Portugall, to make an Embargo vpon all Ships, at the departure of the Weſt-India Fleet, or the Carrackes for the Eaſt-Indies, and many times vpon other occaſions, whereby Merchants Ships being laden are much hindered, eſpecially, if it bee with Wines, Oyles, Raiſons, and ſuch like periſhable wares. Now if the owner of the goods, ſhall thinke that his wares doe periſh, lying two or three moneths laden, or if it be Corne that may become hote and ſpoyled; hee may renounce theſe goods or wares to the aſſurors, and thereby bring a great loſſe vpon them. Yet neuertheleſſe he ſhall not need to abandon the goods, for by the Policie of aſſurance it is alwayes prouided, That in caſe of any misfortune, it is lawfull for him, his Factor or Aſſignes, or his Seruants, or any of them, to ſue, labour and trauell for in and about the defence, ſafegard, or recouerie of the goods, and any part thereof. And that the aſſurors ſhall contribute, each according to the rate and quantitie of the ſumme by him aſſured. So that albeit, that it doe fall out that the goods be not vtterly loſt when the Ship is caſt away, the aſſured muſt recouer his whole money; becauſe hee hath authoritie by the Policie of aſſurance to recouer them, or any part of them, as aforeſaid, and he is afterwards to yeeld an account thereof, for ſo much as doth concerne euery man ratably: otherwiſe the aſſured ſhould bee diſcouraged, if by thoſe meanes he ſhould make his aſſurance intricate and ſubiect to all cauilations, and to the interruption of ſo neceſſarie and laudable a Cuſtome, as the matter of aſſurance is. Therefore, as in the matter in hand, wee haue a care for the aſſurors, that they ſhould not bee deceiued by thoſe that cauſe aſſurances to bee made: ſo on the other ſide, we would auoid to miniſter any occaſion whereupon they might become quarrelſome, but that all ſhould

A Prouiſo in the Policies of aſſurance.

be

be left to the Commiſſioners determination, who are (or ſhould bee at the leaſt) beſt able to examine the premiſſes.

Now concerning the *Arreſts* of particular perſons, vpon Ship or goods, the aſſured can make no renunciation to charge the Aſſurors with any loſſe either in the totall or part, becauſe vpon caution giuen to anſwere the law, the ſhip or goods arreſted are inſtantly cleered in all places, either heere or beyond the ſeas, where the arreſts are made, wherein the iuriſdiction of all courts for ſea-faring cauſes are verie carefull to ſee expedition vſed. Arreſts vpon Ships.

*Barratrie of the Maſter and Mariners* can hardly be auoided, but by a prouident care to know them, or at the leaſt the Maſter of the ſhip whereupon the aſſurance is made. And if he be a carefull man, the danger of fire aboue mentioned, will be the leſſe; for the ſhip-boyes muſt be looked vnto euerie night and day. And in this caſe let vs alſo conſider the Aſſurors; for it hath oftentimes happened, that by a candle vnaduiſedly vſed by the boyes, or otherwiſe before the ſhips were vnladen, they haue bin ſet on fire and burned to the verie keele, with all the goods in them, and the Aſſurors haue paied the ſummes of money by them aſſured: neuertheleſſe herein the Aſſurors might haue beene wronged, although they beare the aduenture vntill the goods be landed; for it commeth to paſſe many times, that whole ſhips ladings are ſold on ſhip-boord and neuer diſcharged, becauſe they ſhould auoid the paiment of Cuſtomes and Impoſts, and therefore they will breake no bulke, but depart for ſome other place. *viz.* Ships laden with Gaſcoyne Wines do come from Middleborough to London, which haue beene bought by the great, and either the ſeller of the Wines doth beare the aduenture of the ſeas, or the buyer. So euerie yeare there are diuers ſhips which come from Norway laden with Deale-boords, Plankes, Maſts, and the like commodities, which being entred into the riuer of Thames for two or more daies, will depart againe for Spaine, or ſome places in the Straits, according as they haue made their bargaine with the Merchant: in like manner diuers other ſhips laden with other commodities, vpon the like bargaines and contracts, will make further voyages, and not diſcharge in the place were it was firſt intended and named in the policie of Aſſurance. Now if after ſuch a bargaine made, the ſhip and goods (either by fire, or any other misfortune) do periſh, the Aſſurors are not to anſwere for that loſſe, notwithſtanding the generall words (*And of all other Perills, Loſſes and Misfortunes whatſoeuer they be, and howſoeuer they ſhall happen or come, to the hurt and detriment of the Goods and Merchandiſes, or any part or parcell thereof*) contained in the policie of Aſſurance as aforeſaid. I hold it alſo conuenient to aduertiſe the Aſſurors of a caſe of mine owne experience: In the yeare 1589 I cauſed the ſhip of *Monſieur Gourdan* gouernour of Calais, to be fraighted for Lixborne, and to returne backe againe to Calais or London: the ſaid ſhip (being arriued at Lixborne) was laden with Sugars, Pepper, and other commodities to returne for London; whereupon Barratrie of the Maſter. A caſe to be conſidered in Aſſurances.

whereupon I cauſed ſix thouſand French crownes to be aſſured at Roan. It happened that the ſaid ſhip was caſt away vpon the coaſt of France, in comming homewards, and all the goods were vtterly loſt; whereupon intimation being made to the Aſſurors, I ſent to the Commiſſioners of aſſurances at Roan, all my proofe concerning the lading of the ſaid ſhip, hoping to recouer the money aſſured; but vpon examination of the Bills of lading, declaring truely the qualitie and quantitie of the goods, my factor of Lixborne (conſidering the dangerous time of warre, and my dwelling in London) left the place of her diſcharge in Blanke, and by letters ouerland gaue me notice of it, which was made apparant to the ſaid Commiſſioners; yet neuertheleſſe (after the examination of the ſea-lawes and cuſtomes, and the Paracer had of all experienced Merchants) it was ſentenced againſt me, and the Aſſurors were cleered, and made onely a reſtitution of the money receiued by them for their *Premio*, and yet of that they did abate one halfe or *medio por ciento*, as it were tenne ſhillings for euerie hundreth pound for their ſubſcribing to the policie of Aſſurance, to my verie great loſſe.

To this purpoſe doth appertaine another propertie of Aſſurances, which happeneth, when Merchants cauſe a greater ſumme to be aſſured than the goods are worth or amount vnto when they are laden into any ſhip which is expected home wards, making account that their Factors will ſend them greater returnes than they do: in this caſe the Cuſtome is, that thoſe Aſſurors that haue laſt ſubſcribed to the policie of Aſſurance, beare not any aduenture at all, and muſt make reſtitution of the *Premium* by them receiued, abating one halfe in the hundreth for their ſubſcription, as in the caſe aforeſaid, and this is duely obſerued; and ſo a Law not obſerued is inferior to a Cuſtome well obſerued.

A rare cuſtome in Aſſurances.

To conclude the point of policies of Aſſurances, let vs note, that of neceſſitie it is required as a conſideration precedent, that the Aſſurors muſt acknowledge themſelues to be ſatisfied of the *Premium* of Aſſurance, at the hands of the aſſured, or any other who doth vndertake to pay them: which beyond the ſeas is commonly payed within ſix moneths, becauſe that Merchants aſſuring each to other, may reſcounter their *Premios*, in the accounts kept thereof betweene them; for herein is vſed great truſt and confidence betweene them: and this appeareth alſo by euerie mans vnderwriting in the ſaid policie of Aſſurance, in theſe words, I *A. B.* am content with this Aſſurance (which God preſerue) for the ſumme of one hundreth pounds. London this 10 of Auguſt 1620, &c. according to the ſumme and time.

CHAP.

## CHAP. XXVI.

### *Of the manner of* Contributions *or* Aueridges.

HAuing intreated of Contributions or Aueridges in regard of Assurors, now it behoueth vs somewhat to speake of the manner how this is executed and performed; by some called Scot and Lot.

In the case of casting of goods in tempestious weather, for preseruation of life and goods, the master is to consult with the mariners, and if they consent not, yet the master may cast some goods, if the storme continue: but if the Merchant be present, let him begin to cast, saith the law of *Oleron*, and next the mariners, who if they imbesill any part to their owne vse of that which should be cast, are to answere the double.

When the master shall come on land, he must (with the most part of his companie) sweare that he did cast the said goods, for no other cause, but for the safetie of ship, goods and liues, which are to be cast into an Aueridge or Contribution vpon ship & goods, whether they be burdensome or of small volume, as mony, Iewels or such like, not being weightie; things vpon a mans bodie, victualls, and such like excepted.

But here ariseth a question, Whether goods laden aboue the ouerlope, or forbidden goods to be transported, shall be answered by Contribution? Sure if such goods happen to be the cause of any danger or damage, the master shall beare the losse, and also criminally be prosecuted. But if goods vnaduisedly (without consent of the owner) be cast out on the suddaine, the owner may vpon his conscience esteeme them to the verie value, because the companie (by their rash proceeding) hath lost the priuiledge they had to esteeme and appraise the said goods.

Also any ships geare or apparrell lost by storme, is not within Aueridge, and accounted like vnto a workeman breaking or spoyling his tooles, or ordinarie instruments. The like is for goods cast, which were brought within ship-boord, without the master or his pursers knowledge.

In the rating of goods by way of Contribution, this order is obserued, If they chance to be cast before halfe the voyage performed, then they are to be esteemed at the price they cost; if after, then at the price as the rest, or the like shall be sold at the place of discharge.

The perſon (whoſe goods haue beene caſt) is to be carefull to haue the ſame eſtimated before the ſhip doe diſcharge, and to deale with the maſter for that purpoſe. For the law doth intend that the goods deliuered vnto him, are not only as a pawne or pledge for his fraight, but alſo bound to anſwere all ſuch Contributions and Aueridges that may happen; and therefore the maſter may put his helping hand thereunto, vntill ſatisfaction be made, albeit that commonly the detaining of other mens goods are not allowed.

Three ſorts or manner of goods taken vpon the ſea.

Herein let vs now conſider of things taken vpon the ſea, which are of three ſorts: the firſt we haue alreadie noted to be goods taken by Letters of Mart by *ius repreſaliarum*; the ſecond are taken from Pirats or ſea Rouers; and the third from profeſſed enemies. Touching that which is taken from Pirats, ſeeing they be goods which they haue wrongfully taken from others, whether they be found in their owne or their ſucceſſors poſſeſſion; theſe are eſteemed to be a iuſt priſe or prey to any taker of them, ſo that account be made of them to the Admirall. And in caſe where the taker doth find the goods of his friend or countrieman with the Pirat, it is reaſonable that reſtitution be made, vpon good conſideration of the charges and danger ſuſtained concerning the ſame.

If a ſhip or goods be taken from a profeſſed enemie, it is to be proceeded in according to the authoritie whereby it was taken. But if goods be taken by a profeſſed enemie, and afterwards the ſaid goods are taken againe from him, and the true owner doth claime them, it ought to be reſtored to the owner; for the law taketh theſe goods to be as receiued and not taken, yet with good recompence for them.

But when ſuch goods become a lawfull priſe to the taker, then the Admirall is to haue his tenth part) according to the offer which *Abraham* made vnto God, of the ſpoyle which he tooke of the fiue kings) and the remainder of the goods ſo taken, is to be proportionably diuided betweene the takers, or according to the compoſition formerly made. In theſe caſes there is alwaies a fauourable conſideration to be had: which is the cauſe, that if two forreine nations be at warre, and the one take a ſhip from the other, and bring her into a port or road within the bounds of a neuterall nation, alike friend to both; then may the Admirall of that nation ordaine that ſhip to be reſtored to her owner, and the perſons captiue to their former libertie, euen as if ſhe had beene brought backe to her owne port or countrie againe.

(***)

CHAP.

## CAHP. XXVII.

### *Of the particulars to bee obſerued in* Aſſurances.

THE obſeruations to bee conſidered of in matter of aſſurances are very materiall for euery Merchant, and deſerue a particular Chapter in this Treatiſe, which I haue compiled according to the circumſtances of the things themſelues, for the aſſurors benefit.

1 The firſt I haue touched in the Partie who cauſeth the aſſurance to be made, both for his honeſt dealing, and whether hee bee a friend to the State or Kingdome for the reaſons aforeſaid.

2 To know the Maſter of the Ship and Mariners to bee honeſt, and of experience, to auoid the danger of Barratrie and other accidents.

3 To take notice of the goodnes of the Ship, and of her ſayling, eſpecially making her voyage alone, or in companie of other Ships: whether ſhe be old or new built, and the price of the aſſurance to bee accordingly.

4 To know by the Map or Sea-cardes, the diſtance of the place or countrey where the Ship is to ſayle, and the dangers of knowne rockes and ſands.

5 To haue a regard what winde muſt ſerue, and the true ſeaſon of the yeare, which maketh a difference in the price of aſſurance; as for example, an Eaſt or North-eaſt winde driueth from the land for Spaine, which is leſſe dangerous, and receiuing ſix or ſeuen *pro ciento*, when a Weſterne, or North-weſt, or South-weſt (driuing from thence vpon the land) is to giue ſeuen or eight *pro ciento*: in Winter two in the hundreth more than in Summer, vnleſſe it be by calmes in places dangerous, as now in the Straights for the Turkiſh Pirats and without it, the Moores of Barbarie, or other theeues. So Ships going for Eaſt-land againſt Winter, will giue two in the hundreth more than in Summer. The like for Ships bound for ſeuerall Ports more ſubiect to caſualties, &c.

6 To conſider of the places of hoſtilitie, where the Ship muſt vnlade or touch, the danger of generall or particular Embargos of Ships, the likelihood of detainements of Kings and Princes.

7 Not to assure for vnlawfull places of trade, or questionable betweene Princes, as Guinea and there about the West-Indies; vnlesse a good *premio* bee giuen, as in a manner vpon aduentures lost or not lost.

8 To know vpon what kind of goods you doe assure, whether vpon Wines, Oyles, Salt, Raisons, and such like corruptible and perishable wares, or vpon other Staple commodities, as Clothes, Tin, Lead or Silkes, &c. not subiect so ordinarily to Aueridges and contributions as the other.

9 To know what Ordnance and Munition the Ship is prouided withall, and not to assure vpon the bottome of the Ship, but with good aduice.

10 If you assure vpon any particular goods marked, to know whether they bee laden in the bottome of the Ship, and there is danger of wetting and spoiling; if aboue in the Ship, there is danger of Pirats, or of casting ouerboord; about the middle is best.

11 To bee aduised not to assure, beyond the limitation of your knowledge by the meanes of others, or from Lixborne to Brazell, or from Venice to Tripoly, or such like voyages, whereof you cannot conueniently haue notice from time to time.

12 Lastly, to bee prouident in the contributions and aueridges, to answere for no more than is your due to pay, and to haue an inspection of the Bills of lading, if doubt be made of the Commissioners sufficiencie or knowledge in cases of this nature.

The assurance vpon the liues of men (whether aged or young, of good qualities and diet, of disposition gentle or quarrelsome, a traueller or a dweller) being somewhat extraordinary, euerie man is best able to consider of it by the acquaintance of the persons.

(***)

CHAP.

## CHAP. XXVIII.

### *Of the manner of Proceedings for* Assurances, *in case of losses.*

WHereas the policie of Assurance remaining with the assured, is registred *Verbatim* in the Office of Assurances, to the end that if the same should happen to bee lost, yet by the said Register, the partie may recouer of the assurors the seuerall summes by them assured; as also because if any newes doe come of the casting away of the Ship, the assured may come to the office, and cause intimation to be made to the assurors, and to euery one of them in particular of such a losse, which is also recorded there accordingly, expressing the time when this intimation is made, and in cases of assurance made vpon lost or not lost, the very houre of the day is to bee set downe, whereby (if there were any fraud) it may sooner bee detected. And if the assured doth thinke conuenient, either for that hee hath almost assured all the value of his goods, or that hee would haue the assistance of the assurors, when there is hope of recouerie of any part thereof, or any other cause which may mooue him: then I say, the party assured may make renunciation of all the goods to the assurors, and hee shall come in as an assuror, for so much as shall appeare that he hath himselfe borne aduenture of; and the assurors are to bee contributaries to the charges of the pursuit, and they may ioyntly agree therein and appoint their seruants, or other persons to follow the same; and this renunciation is also recorded in the said Office accordingly. But if afterwardes it shall bee found, that the assured hath made assurance or caused himselfe to bee assured, for more than the goods laden for his account did cost; then the last assurors which haue subscribed to the Policie, shall enioy the benefit thereof, as hath beene declared. For by the Custome of Assurances it is intended, that to auoid cauilations, euery Assuror shall be bound *ipso facto* to the said Assurance, hauing a respect to the augmentation of trafficke and commerce, according to the Maxime, It is better to suffer a mischiefe than an inconuenience; the mischiefe being attributed to one or some particular persons, and the inconuenience to the whole Common-wealth in generall.

Renunciation of goods.

Hereupon the partie assured doth procure his testimonialls, wit-

neſſes, or any other euidences concerning the ſaid loſſe, declaring the manner and place, the cauſe, with all circumſtances, either by examinations in the ſaid Office of Aſſurances, or in the Court of Admiraltie, with all ſuch other proofe as by letters and all other meanes hee can attaine vnto: all which hee hath readie, or bringeth into the Office, together with the Charterpartie of fraightment, if hee haue the ſame; the Policie of Aſſurance, the Bill of Lading, the Inuoice of the goods, the Factors Letter of lading, wherein the Bill was incloſed, or any other Letters made for the declaration and manifeſtation of all the matter in queſtion: which are all examined by the Commiſſioners for Aſſurances, at ſeuerall appointed dayes for hearing, procured by the aſſured; at which times all the aſſurors are warned to appeare, and record is made alſo of their meetings and proceedings. And heerein is to bee obſerued, that it may many times happen, that the aſſured hath cauſed ſome aſſurance to bee made in ſome other place vpon the ſaid goods alſo: Therefore the Commiſſioners (if it bee by the aſſurors required) may examine the aſſured thereupon by oath, and then deale therein as they find cauſe, according to the Cuſtome of Aſſurances.

Proofe of the Aſſurors.

☞

To abbreuiate the queſtions which the Ciuilians haue made, concerning this argument of Aſſurances, writing *De aſsicurationibus*, I haue thought good to let euery Merchant vnderſtand, that obſeruing the forme of the policie of Aſſurances, with the obſeruation before declared, all the ſaid queſtions will bee preuented, and to proue the ſame by Demonſtratiue Reaſons vpon euery queſtion alleaged, as followeth.

### *An abridgement of Queſtions of Aſſurances.*

1 WHether an aſſurance made vpon a Ship named, is to be vnderſtood of the ſhip or of the goods laden therein, or vpon both?

*Anſwere*, When the name of the ſhip is expreſſed according to the ſaid policie of Aſſurance made vpon the very Keele of the ſhip of ſuch a burthen, there is no man endued with reaſon, that will attribute this Aſſurance to extend to the goods laden in the ſame, much leſſe to both, when the Ship is onely named and no goods at all.

2 Whether an Aſſurance made vpon one thouſand Hides, laden in ſuch a ſhip, from ſuch a place, to ſuch a place be good, without naming the ſeuerall ſorts of Hides laden therein?

*A.* In all policies of Aſſurances the words runne Generall vpon the principall wares, and all other commodities or goods laden, or to be laden by ſuch a man, for the account of him or any other; and ſo this (Generall) includeth all particular things, which when aſſurance is made vpon them are named and ſpecified, as heereafter is alſo declared.

3 Whether vpon vncertaine things to bee laden, the aſſurance bee good?

*A.* When

*A.* When assurances are made vpon goods laden, or to bee laden, as aforesaid; the said assurance must needes bee of validitie, for the word Goods and Merchandises comprehendeth all vncertaine things vendible: and if it were some particular thing, it is alwayes expressed.

4 Whether an assurance made vpon one Sacke of Wooll bee good, when there is many Sackes of Woolles in the same Ship?

*A.* The question is preuented by the Custome of Assurances, which is, that an assurance made vpon any particular goods, must bee declared by the particular marke of the goods belonging to such an owner, or any other; and if there be more of the said marke, the number therefore is added: and if the number were alike, the weight may distinguish the same; whereby the one Sack being throwne ouer boord for safegard of the ship and goods, may bee cast into a contribution; or being taken by Pirats, the assurors are to pay for it: so this question is friuolous, as many other are, and breedeth but contention to imbibe Merchants braines with them.

5 The like is when the assurance is made vpon commodities or goods without name, or not naming the number, weight, or measure, but expressing the marke of all goods laden or to bee laden, as aforesaid.

6 Whether the assuror is to haue his *Premio* or Salarie, vpon a conditionall assurance, or not?

*A.* There is no conditionall assurance made, but with exception of some aduentures not to bee borne by the assuror, which are not comprized in the policie of assurance, and therefore the *Premio* is due to the assuror.

7 Whether an assurance made is to bee vnderstood of the first voyage which the ship doth make after the assurance is made, and the ship appointed for lading?

*A.* This is to be vnderstood alwayes of the first voyage, vnlesse there were a declaration of a second voyage in the policie of assurance, and therefore I haue noted a caueat for assurors to bee carefull how they cause other men to assure for them in remote places, not to make them lyable to two voyages for one assurance, nor to be subiect to a second voyage when the first is performed, but to be vigilant in their actions.

8 Whether an assurance made for the tempest of the Seas, bee also to be vnderstood for Theeues or Robbers vpon the Seas?

*A.* The generall and ordinarie policie of assurance, containing all aduentures, sheweth, that the assuror is to beare the aduenture of both these; and if it were otherwise in particular, it must bee declared: So that this distinction is vaine.

9 The like may be said to the question, Whether an assurance made by stipulation, be a contract or not? or whether it be couentionall or conditionall? wherein this distinction is of no moment.

10 Whether an assuror (hauing payed the Merchant for goods

lost

loſt by him aſſured, may afterwards, if the goods were found againe or recouered) reſtore the goods to the Merchant, and call for his money (which he paied) backe againe?

*A.* It appeareth plainely by all policies of Aſſurance, That the Aſſuror doth condeſcend that the Merchant ſhall haue full power and authoritie by himſelfe or his Factors and Seruants, to ſue for the recouerie of the goods, and that the Aſſurors ſhall contribute to the charges *pro rata* of their ſummes by them aſſured reſpectiuely: but the Merchant is not therefore hindered to recouer the money of the Aſſurors, neither can one particular Aſſuror haue all the goods; for the Merchant relinquiſhing the goods to the Aſſuror, reſerueth alwaies his part therein which he hath not aſſured, which he detaineth in nature of an Aſſuror, ſo that the Aſſuror hath not conuenient meanes to performe the contents of the queſtion; neuertheleſſe, if the Merchant will, hee may buy the goods ſo recouered of the Aſſurors, as they can agree; but then is the queſtion altered, and not the ſame.

11 Whether an Aſſuror is to anſwere any hurt or damage done to the goods by Mice, Rats, or any other vermine, eſpecially moaths?

*A.* By the policie of Aſſurance that Aſſuror is to anſwere for all damages, detriment, or hurt which ſhall happen to the goods after his vnderwriting: but if he can proue the hurt or damage was before done in the ware-houſe or other place, he is not bound to anſwere the ſame.

12 Whether goods loſt in the ſhip boat, being vnladen out of the ſhip, or being to be laden into the ſhip, ſhall be anſwered by the Aſſurors, or what may be laied to the charge of the Aſſurors by contribution?

*A.* This queſtion conſiſteth of two points: the anſwere to the firſt is plaine, according to the policies of Aſſurances, where it is ſpecified, that the aduenture ſhall begin vpon the goods laden in any Boat, Veſſell, or Crayer to be laied aboard of ſuch a Ship, or being diſcharged out of the Ship, the aduenture to continue till the goods be ſafely landed: but to the ſecond, the anſwere is not ſo plaine, becauſe it dependeth vpon the ſea-law, and muſt be conſidered accordingly. For as we haue noted in the chapter of Contributions, if by occaſion of lightening, the goods which are put into the Boat or Lighter periſh, the ſhip and remaining goods in the ſhip ſhall anſwere for the ſame: but on the contrarie, if the ſhip and remaining goods periſh after the Boat or Lighter is once ſafe, no contribution ſhall be on the goods in the Lighter; for the law is, That the goods ſhall onely be lyable to contributions, when ſhip and goods are ſafely arriued to their intended port of diſcharge: according to this rule is the Aſſuror to anſwer for contributions *pro rata* of the ſumme by him aſſured.

13 Whether aſſurance made for pirats, is to be vnderſtood alſo for theeues which by night ſteale the goods from the ſhip?

*A.* The anſwere is ſo euident, that both the one and the other is compriſed

compriſed in the Aſſurance, as there needeth no other explanation.

14 Whether an Aſſurance made at one time vpon goods to be bought and intended to be laden, and afterwards found not to be bought at the ſame time, but at another time, doth bind the Aſsurors to pay the loſſe?

*A.* This queſtion is worthie the conſideration, and doth meerely conſiſt in the obſeruation of time, & not in the buying of the goods, although it be ſo propounded; for the time maketh great difference in the aſſurance, as I haue noted before. Goods laden in the Summer are not in aduenture comparable to the Winter when ſtormes and tempeſts do ariſe, and therefore are not the Aſſurors to be made anſwerable to this aſsurance; for the cuſtome herein is cleere and concurring with the Law of *Oleron*, and therefore not compriſed in the tenor of the policies of Aſſurances, which is the cauſe alſo that Aſſurors are to haue a ſpeciall regard to the Maſters of ſhips whether they be vicious or diligent: for the loue of women and wine maketh them to looſe the oportunitie of time; ſo that by contrarie windes their voyage is retarded, and which was to be made in Summer falleth out to bee in Winter, ſubiect to eminent daungers and loſſes, whereunto the Aſſurors become liable, as is declared, whether it be by accident, misfortune, caſualtie, rare ſucceſſes and negligences of Maſters and Mariners vnlooked for and happening in ſtrange manner ſodenly.

15 Whether an Aſſuror be liable to the aduenture of goods ſhipped from one ſhip into another?

*A.* Sometimes in policies of Aſſurances it happeneth that vpon ſome eſpeciall conſideration, this clauſe forbidding the transferring of goods is inſerted, becauſe in time of hoſtilitie or warres betweene princes, it might fall out to be vnladen in ſuch ſhips of thoſe contending princes, whereby the aduenture would be farre greater. But according to the vſuall Aſſurances which are made generally without any exception, the Aſſuror is liable thereunto: for it is vnderſtood, that the Maſter of a ſhip without ſome good and accidentall cauſe, would not put the goods from one ſhip into another, but would deliuer them (according to the charterpartie) at the appointed place, which is the cauſe that (whenaſſurance is made vpon ſome particular goods laden in ſuch a ſhip, vnder ſuch a marke) the Policie maketh mention of the goods laden to be tranſported and deliuered to ſuch a place by the ſhip, or by any other ſhip or veſſell vntill they bee ſafely landed, ſo that in all theſe and the like the condition maketh the law.

16 Now there is a queſtion, Whether an Aſſuror is anſwereable to the aſſurance of goods to beare the aduenture if no goods were laden, or but part of the goods?

*A.* If a man do bind or oblige a thing to be found in ſuch a place, and it is not found there; euerie man knoweth that the ſaid thing tied to a locall place cannot be bound thereby, becauſe it is a bodie named

named without ſubſtance, and not *in Rerum natura*, and there would be vnderſtood a priuation without being, and where there is not *materia & forma* firſt, there can be no priuation: but if part of the goods were laden, then the Aſſurors are liable for ſo much as that part of goods did coſt or amount vnto: albeit that in this (as I haue touched before) cuſtome is preferred aboue law; for the ciuile law (if there be many Aſſurors in a ſhip vpon the goods laden therein) maketh all the Aſſurors liable *pro rata*, as they haue aſſured according to the ſaid part of goods laden, if a loſſe do happen: or if there be cauſe to reſtore the *Premio* or ſallarie of aſſurance in part. But the cuſtome of Aſſurances doth impoſe the loſſe vpon thoſe Aſſurors which did firſt vnderwrite, and the later vnderwriters of the Aſſurors do not beare any part of the loſſe, but muſt make reſtitution of the *Premio*, and reſerue onely one halfe vpon the hundreth pounds, or 10 ß for their vnderwriting in the policie of Aſſurance, as is obſerued. The Ciuillians therefore haue noted, That in Aſſurances the cuſtomes of the ſea-lawes, and vſe amongſt Merchants is chiefely to be regarded and obſerued.

Cuſtome to be aboue law in this particular

In like manner, if a ſhip bound for a certaine port (being at ſea) be driuen backe to the ſame from whence it departed, and by tempeſt be caſt away, the Aſurors are to aunſwere the damage of the goods laden therein, for ſo much as they did aſsure, as they do in other caſualties. Aſsurors therefore are rightly exempted by the Diuines and Canoniſts to be no manner of waies vſurors, taking a benefit by contract &c.

The matter of loſſe being well examined and made plaine, the Commiſſioners then with a mature deliberation do ſet downe their determination and ſentence, That the Aſurors ſhall pay euerie one the mony by him aſsured; and if thereupon any one do denie to make payment accordingly, then (vpon certificate to the Lord Maior of London, and ſome of the ſaid Commiſſioners made of his refuſall) they haue by act of Parliament (as aforeſaid) authoritie to commit the ſaid Aſsuror to priſon, there to remaine vntill he doe pay or ſatisfie the ſaid ſentence or finall decree, which no man of any credit will incurre. And thus is this laudable cuſtome eſtabliſhed in England: and beyond the ſeas they are compelled by the Magiſtrates to performe the like ordinances or ſentences pronounced in the like caſes of Aſſurances.

(***)

CHAP.

## CHAP. XXIX.

### *Of* Shipwrecke, *and things found vpon the Seas.*

THE Merchant or the assured, together with the assurors, haue great cause of encouragement to looke after the goods of a Shipwrecke, for there is no forfeiture of the said goods; but with all humanitie euerie man is bound to aid them thereunto; and whosoeuer steales any such goods, hee shall pay fourefold to the owner thereof, if hee bee pursued within a yeare and a day, and as much to the Prince or Admirall: wherein the Sea-law is so strict, that the stealing of a nayle or the value thereof, maketh the party guiltie to the rest of the goods; so that by the ordinance of the Emperor *Antonius*, The theefe or robber of such goods should bee beaten, and banished for three yeares; or if hee were of base condition, scourged to the Gallies. For he that will not helpe such distressed men, shall bee counted as a murtherer: and therefore may no man hinder Ships to tye their ropes, or lay their anchors on land. And therefore did *Hadrian* the Emperour ordaine, That all men hauing possessions on the coasts, should attend carefully vpon such chances, otherwise they to be answerable for all things missing by stealth or robberie.

If no man in due time claime such a wrecke, then it belongeth to the Prince or Admirall: and any action for Shipwrecke must therefore be commenced within a yeare and a day.

Wherein also is to be noted, That if the Ship onely perish and the goods bee saued, then the goods shall pay the tenth, or the fifth, as the difficultie of the sauing thereof shall require. For Gold, Siluer, Silke, and the like things of easie transportation, should pay lesse than goods of greater weight and burthensome for carriage, as being in greater danger, except the Master carry in his Ship to a place where hee should not, and then is the Merchant free of the Masters losse. Now of things found vpon the Seas, or within the flood-mark, these are of three sorts, either found on the streame floating, and then are called Floatson; or found on the Sea bottome, and drawne vp from it, and then called Lagon; or found on land, but within the Sea-flood, or cast forth there by storme and the water, and then are called Ietson. *Floatson.* *Lagon.* *Ietson.*

Con-

Concerning Floatſon and Ietſon, whether things be caſt vp by Shipwrecke, or elſe left or loſt through caſting in ſtormes, the finders thereof (as ſome Lawyers are of opinion) ſhould doe therewith as with other goods found vpon land, that is, to proclaime the ſame to be forthcomming to the true owner, becauſe the loſer remaineth ſtill proprietarie of them: and if no man claime the ſame, the finder to keepe the ſame to himſelfe. But by the Rhodian Law, the finder hath one fifth part for the ſauing. And in France by the Admiraltie of Rochell, they allow *Pour le Droict de ſauuage* one third part, which my ſelfe haue allowed of eightie pipes of Oyle, and twentie two Butts of Sackes, which became Floatſon out of a Ship of Diepe, called the Deſire, which did periſh neere the Iſland of *Saint Martin de Rea*, not farre from Oleron, in the yeare 1589, the French King *Henry* the fourth late deceaſed being then but King of Nauarre. So hath a Diuer for drowned goods, one third part vpon eight Cubits deepe, and vpon fifteene Cubits hee hath halfe, and vpon one Cubit but a tenth; which of late yeares was accordingly allowed in ſome part of Ireland, for drawing vp ſome Ordnance of the Ships, which of the Spaniſh Armada did periſh vpon the coaſt, *Anno* 1588. But by the Cuſtome now vſed, euerie man of ſome qualitie will claime all as his owne, if it commeth vpon his land, contrarie to the Law of Oleron, which giues it to the finder.

Allowance to Diuers in the Seas.

If Ships or Boats are found on the Sea, or vpon the coaſt, without any liuing creature therein, and no man claiming the ſame within a yeare and a day; then the halfe is allowed to the finder, and the other halfe to the Prince. But of late yeares all is left to the arbitrement of the Admiralls, to conſider the finder or taker with ſome portion for his trauells, charges, and danger. And if the finder conceale ſuch goods, whether Anchor, Timber, Iewels, dead men with money or Iewels about them, hee not onely loſeth his part, but alſo ſhall bee fined at the will and pleaſure of the Admirall.

If Whales, or Regall Fiſhes, Ships or Boats without liuing thing in them, be driuen by force of winde and waues onely to any coaſt or land, then all and wholly doth appertaine to the Admirall. But in the yeare 1617, a great Whale being found on the coaſt in Suffolke, where Sir *Robert Lloyd* Knight was Admirall for the late Queene *Anne*, his Maieſties Conſort, for her lands there; he took not the benefit hereof, as hee might haue done, but the ſaid Queene had the ſame.

In like manner, a *Deo dando* or Deodant appertaineth to the Admirall, that is to ſay, The thing (whether Ship or Boat) that cauſed the death of a man, or whereby a man did periſh vnawares.

To conclude this point, let vs remember that in cauſes of ſpoile, it is ſufficient by the Lawes of England, for the ſpoiled to prooue his goods by his marke, and the Shipwrecke may not only be proued by the perſons liuing, but alſo by the perſons who were preſent at the preparation of their voyage, euen their owne parents and children, if none of the Ship (broken) be aliue.

CHAP.

## Chap. XXX.

### *Of Partners of Ships and Voyages.*

Forasmuch as Parteners and Owners of Ships cannot be constrained by the Law to remaine in Partenership, although they had made a couenant neuer to sunder or separate themselues; therefore are there many considerations to bee had and required in the same.

And first it is generally obserued and accustomed, That if Owners of a ship newly builded or bought betweene them, shall fall out and be at variance, the said ship shall bee imployed and make one voyage first, vpon their common charges and aduenture, before any of the parteners bee heard to sunder and discharge their part. And after that, if they cannot agree, he who desires to be free, is to offer to the rest his part, and to set the same vpon a price, as he will either hold or sell; which if hee will not doe, and yet refuseth to set the ship forth with the rest of the Owners or Parteners, then may they rigge the said ship at their owne charges, and also vpon the aduenture of the refuser, so farre as his part doth extend, without any account to bee made vnto him of any part of the profit at her returne. But they are onely bound to him to bring her home safe, or the value of his part to bee answerable for, and that iustly; because ships were made and inuented in common for the vse of all men, euen of them that dwell in the Mountaines, as on the Sea coasts, and ordained for sayling and not to lie idle and vnoccupied. But if the persons, who haue most part of the ship, refuse to abide in Partenership with him who hath a small part, that neither hee can sell his part at a price, without great losse, nor is yet able for want of meanes to attaine or buy their parts; then are they all bound to put the ship to an appraisement, and so to dispose of her by sale, or setting of her forth on a voyage, accordingly; by meanes whereof their discord may be ended and the ship not spoyled. And if for want of buyers in that place, the poore partener can neither auoid the oppression of the richer, nor yet the rich satisfie the poore man, which may also be wilfull, then may the Iudge of the Admiraltie, or the ordinarie Iudge deale and decree the same, as hee may doe *in omnibus alijs bonæ fidei actionibus*: And consider of all the circumstan-

Law of Oleron.

ces of the persons, of the matter of their difference, and of their motiues; that thereupon he may administer Iustice in giuing euerie man his due right.

A Master placed by the Owners.

In cases where Owners doe agree, and voyages are vndertaken, there the Master of the ship is placed by the Owners, and they ought to make good the Masters fact and deed; so that the Master may lay his action vpon any one of the Owners: but the rest of the Owners shall *pro rata* of their portions be contributarie thereunto, except the handling of the Ship be so seuerally diuided amongst them, or that the Master haue not his Power and Commission of them all; or that the Master hath bound himselfe aboue his Commission, as if he haue taken vp money to mend the ship, when as he needs it not, or that hee haue no Commission at all: in which case the lender committeth an ouersight, and hath no remedie but against the Master. But if there were cause of mending the ship, and the Master should spend the same another way; the Owner is to satisfie the Creditor notwithstanding. And aboue all things money lent for victualls to the ships company should be payed and preferred before all other debts.

If a Merchant contracting with a Mariner, that is not a Master, be therein ouerseene, he must content himselfe, for he can haue no action against the Owners, except for a fault done by a Mariner which hath beene hired and put in by the Owners.

Againe, albeit that by the Sea-lawes, the Owners may not pursue any persons obliged to the Master; yet are they permitted to pursue vpon the Masters contract, as if they had beene principall contractors. Because herein they doe represent and vndertake the person of the Master, and these priuiledges are granted to the Owners, for the good of the Common-wealth, and augmentation of trafficke.

Neuertheless the Master is not bound to render an account of all to the Owners, as for passengers which are found vnable to pay; and so are not Owners bound to answere for the Masters negligence. But it is very conuenient if the Owners bee in place, that the Master doe not let the ship to fraight, or vndertake any voyage, without the priuitie, knowledge, and aduice of the Owners, or of some of them, to the end many things may bee aduised by them, whereof the Master was ignorant.

CHAP.

## CAHP. XXXI.

### *Of Moneys taken vpon Bottommarie, by the Maſter of a ſhip, called* Fœnus Nauticum.

THe name Bottommarie is deriued by the Hollanders from the Keele or Bottome of a ſhip, vpon the paralel whereof, the Rudder of a ſhip doth gouerne and direct the ſame: and the money ſo taken vp by the maſter of the ſhip, is commonly done vpon great neceſſitie, when moneys muſt be had in forreine countries to performe a voyage; for the vſe payed for the ſame is verie great, at 30, 40, and 50 *pro cent.* without conſideration of time, but within ſo many daies after the voyage ended. This Money is called *Pecunia traiectitia*, becauſe that vpon the lenders danger and aduenture it is carried beyond or ouer the ſeas: ſo that if the ſhip periſh, or that all be ſpoyled, the lender doth loſe the money. But on the contrarie, money letten at intereſt is deliuered on the perill of the borrower; ſo that the profit of this is meerely the price of the ſimple loane, called *Vſura*: but the profit of the other is a reward for the danger and aduenture of the ſea, which the lender taketh vpon him during the loane, which is to be vnderſtood vntill a certaine day after the voyage ended; therefore if the money miſcarrie, either before the voyage begin, or after the terme appointed for the full loane, then the perill pertaineth to the borrower thereof, and not to the lender. I meane of perills proceeding by ſtorme, violence, ſpoyle, or ſuch like occaſions which cannot be eſchewed by any diligence of the borrower. Therefore if the borrower employ that mony vpon commodities, and that the ſaid commodities become forfeited for nonpaiment of Cuſtome, the lender ſhall be cleere of any damage thereby. It is alſo to be noted, That money lent at maritime intereſt without hazard, but vpon ſecuritie, ſhould pay no profit, otherwiſe than the money lent at intereſt, becauſe the ſecuritie is giuen ouer and aboue for the lenders aſſurance. Againe, ſuppoſe it were money not entred in the purſers booke, and yet lent for the need of the companie within the ſhip during the voyage, if before the day appointed for the payment, ſhip-wrecke, or ſpoile happen, then ſhould the loſſe come in contribution betweene them; becauſe if that money had beene lying by the lender ſtill vnlent, it had beene in common daunger with the reſt: but if the time appointed were paſt with the perils aforeſaid,

Difference betweene intereſt money and Bottommarie.

*Locatio*, or hire

aforeſaid, then ſhall the borrower pay that money ſo borrowed, free from all contribution.

Further in caſe the borrower detaines any ſuch money lent as aforeſaid, beyond the time appointed for the repaying, he ſhall at his returne not onely pay the profit agreed vpon before the voyage, but alſo augment the ſame according to the longer time, and ſhall pay the profit of that firſt condition accordingly.

Some Merchants there are, that will deliuer money in nature of *Vſura Maritima*, ioyning the vſe money and danger of the ſeas, either vpon the ſhips or goods all in one conſideration, and ſo take 25 or 30 vpon the hundreth, at the returne of ſuch a ſhip from ſuch a voyage; wherein they haue an eye to the perſon that taketh vp the money, making account to be better aſſured by a vigilant eye vpon a Merchants trafficke, whom they muſt truſt (if they will make benefit of their moneys) rather than to deliuer their money vnto another of whoſe dealing they cannot giue ſo good a iudgement. As for example, They know that ſuch a Merchant doth deale for Turkie, and that in knowne ſhips trafficking that way, the deliuerer of money goeth vnto him and maketh an offer to lend him 1000 ℔ for a voyage to be made (with Kerſies and Tinne) to Tripoli, and that he wil beare the aduenture of that money during all the voyage, which he knoweth is commonly performed within the yeare: for (ſaieth he) you know that I am an Aſſuror, and you do vſe to aſſure your goods, and to increaſe your trade you take vp moneys at vſe of others in ſmaller ſummes; it may therefore be verie commodious for vs both to include the price of aſſurance, and the vſe money together, and ſo with the returne you ſhall be prouided to pay me againe, if God do proſper the ſhip and make homewards ſpeedily, if not, I can demand nothing of you, and muſt be contented to beare the loſſe with patience. Hereupon a contract is made, ten in the hundreth is accounted for the vſe money, and tenne in the hundreth for the aduenture of the goods outwards, and another ten in the hundreth for the aduenture of the returne homewards: in concluſion, there is 30 *pro Ceinto*; So that vpon the returne of the ſaid ſhip he is to haue 1300 ℔ within ſuch a time as they commonly agree, be it one or two moneths after. This is a good bargaine for the lender, howſoeuer the borrower of the money may ſpeed; for the lender hath not to do with the ſale of the goods, nor with the returne of them: but he will be ſure that (at the returne of the ſhip) he may haue his money payed him, not onely by the prouenue of the Kerſies and Tinne which was bought with the thouſand pounds he lent, but alſo with the returne of all other goods which the borrower did lade more in the ſaid ſhip for Tripoli, as aforeſaid, and in like manner for other places.

**Combination of intereſt money and aſſurance.**

**Contract of intereſt and aſſurance iointly**

CHAP.

## Chap. XXXII.

### *Of Shipping and Nauigation.*

VNder the name *Nauis* is all kind of ſhipping vnderſtood, and *Nauigium* is a generall word many times vſed for Nauigation. So that it is not of any moment to deſcribe the diuerſitie of ſhips, as Carracks, Galleons, Galeaſſes, Galleys, Centaureis, ſhips of Warre, Flyboats, Buſſes, and all other kind of ſhips and veſſells: But that we may vnderſtand the ſea lawes and cuſtomes obſerued therein, appertaining to the law Merchant, as alſo thoſe things which properly may concerne ſhips, as followeth.

All ſhips being made for ſailing, are to be prepared accordingly, both for goodneſſe and fit timber, and conuenient building; as for the placing of the Rudder of the ſhip vpon the right paralell of the keele of the ſhip, for therein conſiſteth a maine point for ſwift ſayling, which is found to be a great defect in many ſhips partly new built and repaired: for new timber and old, mixt together, doth neuer indure long, eſpecially if the ſhip be not repaired in time before ſhe be much decayed, which often commeth to paſſe, when the owners of it cannot agree therein. The law therefore is commendable, That if the moſt part of the owners, or thoſe that haue the greateſt intereſt and part therein, cauſe the ſame to be repaired, that he who prouideth not his money for his part within foure months after, ſhall loſe his part to the other owners, if he refuſe to be conformable with the reſt, or with his partner in the ſaid ſhip, who did diſburſe the ſame; and moreouer he is to pay the conſideration of the money alſo, for the time that the ſame was laied out. The Paralell of Equalitie

Some make a queſtion, Whether a ſhip ſo amended & repaired ſhal be taken to be the ſame? But it is cleere, that ſo long as the keele of the ſhip remaineth, it is ſtill the ſame ſhip, and not to be called another ſhip; ſo is it alwaies belonging vnto the owners of the ſhip, although they had fabricated & amended the ſame with another mans timber: for the ſelling of a ſhip is not a ſufficient courſe to alienate the ſame; but the quiet poſſeſſion thereof muſt be deliuered vpon the ſale made. And although the ſale be made, and the poſſeſſion of a ſhip deliuered, if neuertheleſſe it afterwards ſhall appeare that

ſome haue committed piracie with the ſame, the party who loſt his goods, may lay an action to the ſhip in place conuenient. Hence the prouerbe ariſeth, That ſuch a ſhip cannot drinke of all waters. Albeit this law is not generall, no more than a ſhip driuen by tempeſt into a Harbour or Port, is ſubiect to pay cuſtome there; albeit ſome demaund the ſame, although no bulke be broken, which ſeemeth to be vnreaſonable. A contract therefore taketh his ſtrength from the parties contracting, and the place where it is made, according to the cuſtomes thereof. It is therefore alſo dangerous to fraight vnknowne ſhips, which may be ſubiect to other mens actions, and that in many places, where wind and weather may command them to enter; for ſhips are properly reputed amongſt moueables, *Quia non ſunt immobilia.*

A ſhip which cannot drinke of all waters.

Here the ſhip-wrights or builders of ſhips are an eſpeciall ſort of perſons to be conſidered and reſpected, called by the Grecians *Naupegi*, who are ſubiect to the iuriſdiction of the Admiraltie, and to render an account of their skill and knowledge in the building of ſhips to make the frame thereof comely and ſtrong, tith and durable, or elſe pay the penaltie to be impoſed vpon them for all coſts and damages: therefore they are to prouide good materialls, and refuſe to take bad ſtuffe, as Aller, Beech trees, and ſuch like ſpungie timber for ſalt water; whereunto Merchants muſt haue a ſpeciall regard, and looke that no greene timber be put in the worke, but ſuch good Oake as hath beene cut downe either at the wane of the Moone, and in the deepe of Winter, or at ſuch times as experience proueth wood to be moſt ſollid and durable: for being cut in other ſeaſons and dried vp, it becommeth open to receiue the water, and conſequently the aire, which is the cauſe of putrefaction in all things vegitable.

Of ſhip-wrights.

Concerning yron, they are alſo to haue a care it be not brittle, and that all be performed with great care. Shipping being the walls of the kingdome of England: and ſhip-wrights are forbidden vnder paine of treaſon to communicate or make their art knowne vnto enemies or barbarous people.

From ſhipping let vs come to Nauigation: of the neceſſarineſſe whereof no man euer doubted, and whoſe perills are alwaies eminent; inſomuch that *Anacarſis* ſaid, That trauellers on the ſeas were no further from death, than ſo many ynches as the timber of the ſhip was thicke or broad, according to the ſaying of the Satyre, *Digitis à morte remotis quatuor aut ſeptem, ſi ſit latiſſima tabula*: Whom *Bias* the Phyloſopher would neither reckon amongſt the liuing, nor thoſe that had life infuſed. And he was eſteemed to commit a great error, that would bring any goods by ſea, which he might transferre by land; whereof more hereafter.

Nauigation dangerous.

No man can be prohibited to ſaile on the maine ſea, albeit in ſome places (where the waters are as royalties vnto them) it be prohibited, as the Venetians do in the Adriaticke lake, and other Princes and Common-weales in their iuriſdictions and commands, which

hath

hath beene obſerued time out of mind, and is taken for a moſt ancient preſcription.

If a ſhip bound for Venice, doe enter into the Riuer of Lixborne and there deliuer ſome goods or merchandiſes, and afterwardes entring into the Straights of the Mediterranian Sea, be driuen by contrarie windes to ſome other place or Iſland in the ſaid Seas, and then make after that his diſcharge at Venice: all this time of the voyage is but one Nauigation, and the Maſter of the ſhip hath committed no fault, and done his endeuour if hee did depart from his firſt Port at the appointed time, by the Charterpartie limited. But for as much that wee haue alreadie intreated of his duties to the Merchant: let vs in the next Chapters remember Nauigation, with the communitie of the Seas, and now make an abridgement of the Imperiall Sea-lawes of the Haunce Townes.

Sayling from Port to Port.

## CHAP. XXXIII.

### *An abridgement of the Imperiall* Sea-lawes *of the Haunce Townes, made in the yeare 1614.*

HAuing alreadie in the precedent Chapters, declared the Sea-lawes generally obſerued in all Countries, and that in compendious manner: I haue thought good neuertheleſſe to abridge in this place the Imperiall Sea-lawes of the Haunce Townes, as they haue beene reuiewed and exactly ſet downe by the Magiſtrates of all theſe Haunce Townes, at an aſſembly in the famous Citie of Lubecke the 23 day of May 1614, vnder 15 Titles in ſeuerall Articles, as in the margine is declared.

No man ſhall ſet forth or cauſe any ſhips to bee builded in any of our ſaid Townes, vnleſſe hee bee a Citizen, or haue obtained leaue of the Magiſtrate.

Of the building of ſhips.

No Maſter of a ſhip, ſhall vndertake to build a ſhip in their parteners abſence, vnleſſe he doe it at his owne charges, and be able to ſet her forth alone, vpon paine of halfe a Doller for euery Laſt, to bee payed, the one halfe to the Magiſtrate, and the other halfe to the poore.

The Maſter of a ſhip is to conferre with his parteners, and to conclude of what burthen the ſhip ſhall be built, and in what manner, to be done all in writing, and if it bee found bigger, to pay two Dollers for euery Laſt, &c.

The

The Maſter hath no power to enlarge the building of a ſhip after ſhe bee at Sea, vnleſſe it be vpon great neceſſitie to aduance the voyage, and for her ſafegard, otherwiſe all the charges of it ſhall bee his owne.

The Owners, Parteners or the Maſters of ſhips, ſhal haue no power (during the building of the ſhip) to giue away any of the materialls or victualls of the ſhip (but to bring the ſame to account) vnleſſe all of them doe agree thereunto, otherwiſe they are not to be payed for.

That with their generall conſent, ſome two or more perſons bee appointed to buy all which ſhall bee requiſite to the building of the ſhip and prouiſion, and they to deliuer an exact account of it by particulars, &c.

Of the owners or parteners of ſhips, and Maſters.

The Maſter of a ſhip, which hath beene formerly for others at the Seas, ſhall not bee imployed by others, vnleſſe hee produce a teſtimoniall that he is diſcharged from the Owners in decent manner, vpon paine of fortie Dollers.

A Maſter being entertained, is forthwith to bee aſſured by the Owners of his wages, whereby hee may bee able to deale with his Mariners. And the ſaid Owners are to doe their indeuour to make good, on their parts, what ſhall be neceſſarie for the voyage.

All Owners are to cauſe good accounts to be kept, and to deliuer vpon the finiſhing of them, publike writings and teſtimonialls of the Maſters good behauiour, and diſcharge of his vndertaking, vpon paine, &c.

If the Owners of a ſhip cannot agree with the Maſter, as is fitting, they may by generall conſent make choice of another, and pay the ſaid Maſter his wages, and diſcharge him: and if hee haue any part in the ſaid ſhip, they are to pay him for the ſame according to iuſt appraiſement.

Of the Maſters office.

Euery Maſter of a ſhip is to haue knowledge of the Compaſſe, and to be able to gouerne and direct the ſame, and to hire his Mariners accordingly, or in default thereof to bee puniſhed for his preſumption and vndertaking.

To prouide Mariners of experience, and that the ſhip be not ouerladen, nor too light laden, but haue his due ballaſt, and to haue his Cabin and ouerlop cleare.

That hee bee on ſhipboord euery night, and vpon ſpeciall occaſions being abſent, hee may leaue his Mate and other that may ſupply his place.

That they doe not too much meddle with merchandiſe or trade, whereby they ſhall bee hindered in the due care of the charge of the ſhip.

The Maſter is duely to pay the Mariners wages, without any abatement, vnleſſe it be for monyes lent them before, or cauſe to pay any thing to the Owners.

The wages due vnto Mariners for places neere at hand, are to be payed but by two payments, but for remote and long voyages in three

three payments; one at the departure, another vpon the vnlading of the goods, and the third vpon the ending of the voyage, by equall portions in third.

If a Masters vpon some reasonable occasion wil discharge his Pilot either vpon the vnlading or relading, he is to pay him full wages.

If Mariners be vnruly and giue occasion to hinder the voyage any way, by their misbehauiour to be prooued by two other Mariners, the Master may set them on land, or cause them to be punished according to their demerite.

If Mariners will not testifie of their fellowes misbehauiours, the Master vpon his oath shall be beleeued, and the Mariner to be punished accordingly.

If a Master doe conceale the offences of Mariners, hee shall forfeit and pay fiftie Dollers, halfe to the Magistrate, and halfe to the poore.

If a Mariner should kill another, the Master is to keepe him in Yrons, vntill hee bring him vnto the first judicature to bee iudged, &c.

If a Pirat or Theefe shall come aboord, and the Mariners are willing to defend the same, and yet the Master will not fight: this Master shall neuer bee put in trust any more, nor haue credit as an honest man, nor bee suffered to dwell in any of the Haunce Townes.

If a Master be put in trust to bring ouer Pearles, Precious Stones, or Money, which are wares of no volume to pay fraight, but a consideration; the Master is to haue the fourth part of it, and the other three parts are to be the Owners.

If a Master, being part Owner, wil sell his part, or cause his Owners to pay deare for it: the said part is to bee valued by indifferent persons, and the Owners or some of them are to pay accordingly.

If a Master without cause will saile in another Hauen than hee is fraighted, and losse doe happen, hee shall answere the same of his owne meanes.

If a Master shall sell the ship, and the Merchants goods, and runne away, hee shall not remaine in any of the Haunce Townes, and shall bee pursued to answere for the same to the vttermost by all meanes.

If by contrary wind and weather being entred into another Harbour, the Merchant doe sell his goods, the Master is to haue his full fraight, or to goe the voyage.

If a Master find himselfe in places, where neither himselfe nor his Pilot is acquainted, and may haue Pilots, but will not vse them, hee is to pay one marke of Gold for his punishment.

If a Master haue his lading in Corne, which becommeth hot, hee is to coole the same in conuenient manner, if wind and weather doe not hinder him: and the Mariners are to haue two shillings lups for euery Last for doing of it.

No

Of the hiring of Mariners.

No Maſter ſhall henceforth take any Mariners to hire, without they haue a paſport of their laſt ſeruice, vpon paine of two Dollers, which paſports euery Maſter is to giue, and ſhall bee printed with Blankes for the names.

None ſhall hire another Mariner by intiſements of words, or by giuing greater wages, but take them of courſe, vpon paine of tenne Dollers, &c. And if the Mariner take his owne leaue, the Maſter may claime halfe the wages which another ſhall giue him.

The Mariners ſhall keepe their promiſe of fidelitie to the Maſter, and be of good behauiour, and quietly liue together vpon paine as followeth.

If any one doe put himſelfe forth to bee a Pilot, Boteſwaine, or any other officer, and ſhall be found inſufficient by two credible honeſt men, or be prooued by his company, they ſhall not onely loſe their wages, but alſo be puniſhed according to the fact.

If a Mariner be entertained, and at the Maſters charges, and before the voyage, the Maſter take diſlike of him, hee may diſcharge him, giuing one third of his wages, but it ſhall bee of the Maſters purſe, and not for the Owners to beare any part thereof.

When the Maſter hath entertained the Mariners at the ſhip expences, the Mariners are to make their lodging on boord, and to content themſelues with it.

When the ſhip is come to ſome Port, or arriued at the place, the ſaid Mariners are not without the Maſters leaue to goe on ſhoare, vpon paine to be impriſoned, and further to bee puniſhed as cauſe ſhall require.

The Mariners ſhall haue no gueſts on boord without the Maſters conſent.

No Mariner ſhall haue his wife on boord in the night, vpon paine of a Doller if he doe offend.

No Mariner is to diſcharge any Ordnance, or ſhoot without the Maſters commandement, vpon paine to pay double for the powder and ſhot.

All Mariners ſhall both at Sea and in the Harbour, keep true watch night and day, according to the Maſters appointment, vpon paine of halfe a Doller to bee abated of his hire, and by default to bee puniſhed, &c.

Whoſoeuer be found to ſleepe vpon the watch, ſhall forfeit eight ſhillings lups, and he that findeth him ſleeping and conceales it, ſhall pay the like.

No Boteſwaine ſhall looſe a Cable, without the Maſters or Pilots commandement.

When a ſhip is detained by wind and weather in any ſtrange place, no Mariner ſhall depart or goe on ſhoare without the Maſters leaue, vpon paine to loſe halfe wages, the halfe of it to the Maſter, and halfe to the poore.

Neither ſhall the Mariners goe on ſhoare, when the ſhip is at

Anchor

Anchor, without the masters leaue, vpon paine of halfe a Doller.

If any mariner go on land without leaue, and become wounded, the master is not to looke to see him healed.

If a Boteswaine being absent, be the cause of some great harme or losse, he shall answere for it: and if he haue no means, he shall be then imprisoned one whole yeare with bread and water: and if by his default the ship perish, or some bodie be slaine, he shall answere for it with his life, or be punished according to his offence.

When the master with some of his mariners goeth on land, the mariners are to attend in the boat for him, or to follow his order; and if any remaine all night on shoare, he shall lose his portage, and be punished.

When a master hath hired his companie for a certaine place, and he hath afterwards aduice of his Owners or Partners, that more profit is to bee made in another place: the mariners are to be content therewith, and to take content for their wages; wherein if they cannot well agree, then the most antient are to conclude, or other indifferent persons: and if any mariner be not so contented, and thereupon quarrelleth, he shall be punished as a mutinous person. The like is to be done in any fraight which might happen, where the master is agreed with, which being performed, then to be determined in like maner for all controuersies, as aforesaid.

When a master hath maintained (at his expences) the mariners in the Winter season, they shall not seeke to haue their wages augmented.

If a ship be detained by some Prince or Potentate, or sent on a voyage, the mariners are to serue neuertheless; and if any run away, they are seuerely to be punished: and hauing serued, the difference also to be ended with indifferent proceeding, as aforesaid.

If mariners will go away vpon ending of halfe the voyage, the master may demand all their whole wages.

If any mariner officer (hauing receiued halfe wages) runne away, he is to be pursued, & burnt in the face with some letter for a marke.

If any mariner do commit any outrage to the master, he is to be seuerely punished according to the offence. And if they combine or conspire against the master, whereby he may be driuen into some other harbour, or receiue great detriment to the ship and goods, all is to be punished both by wages, life, and goods accordingly.

If the ship become assailed by Pirats or Frybuters, the mariners are to defend the same, and to assist the master: and if they be found partakers in the taking of the ship, they are to be beheaded for it.

If a ship be in danger at sea by tempest or stormes, the mariners are to do their vttermost endeauours to helpe the master to saue the ship and goods; and if cast away, to helpe to saue the furniture thereof, as also the goods and merchandises, and of them to haue some recompence for the sauing; and by default, to be punished by all meanes whatsoeuer.

When

When a ſhip is to be prepared or ſet forth, it muſt be done with a free and good will, and that all things may be bought at the beſt hand; wherein one or more perſons may be imployed with the Maſter, taking care to beſtow all things in ſome conuenient place, with the conſent of the Owners: that the fleſh be wel ſalted and preſerued, and all other victuals prouided to be ſhipped at the appointed time, all with good order and direction.

But when a Maſter of a ſhip doth victuall in ſome other countrie where he hath no Owners, he muſt alwaies buy all things as good as he can, and thereof keepe a true and iuſt account, wherein (if he be found to haue dealt fraudulently) he is to be puniſhed for a theefe.

Therefore to prepare all things whereby a voyage may be ſooner accompliſhed, the Magiſtrates are to take care as well as the Owners to further the ſame; ſo that the Merchant or the fraighter of the ſhip making the goods readie to be laden, may find the ſhip readie at the appointed time agreed vpon, vpon forfeiture of the whole fraight.

No Maſter of a ſhip ſhall for himſelfe alone, or his Owners, deale or lade any merchandiſe and goods in the ſhip, without the knowledge of the fraighter of the ſhip, but do all things orderly.

And whereas it may happen, that in the preparing of a ſhip, ſome of the Owners may not agree to the ſame; moſt voices ſhal ouer-rule the ſame, as the manner is in all ſea-lawes, and then money may be taken vpon the ſhip for his part, by Bottommarie, called *Fœnus nauticum*.

Of Bottomarie. The Maſter of a ſhip hath no power to take vp money by Bottommarie in places where his owner or owners dwell, vnleſſe it were for ſo much only as his part commeth vnto in the ſaid ſhip, otherwiſe his owne goods, and not the ſhip is to anſwere the ſame.

But when a Maſter is out of his countrie, and where he hath no Owners, nor any goods of theirs, nor of his owne, and cannot finde means to take vp by exchange, or otherwiſe, and that for want of money the voyage might be ouerthrown; then may he take mony vpon Bottommarie, and all the Owners are liable thereunto, otherwiſe he ſhall beare the loſſe.

Of Admiralty. When ſhips do enter into Admiraltie one with another, whoſoeuer breaketh the Admiraltie is bound to anſwer the damage which ſhall happen thereby: If he haue it not in money, he ſhall make ſatisfaction by all other meanes.

Of goods caſt, eg Aueridge. If a ſhip at ſea be in daunger, ſo as goods muſt be throwne ouer-boord, theſe caſt goods are to be anſwered by ſhip and goods, as an Aueridge, wherein the Owners and goods on boord pay all *pro rata*.

If a Maſter cut his Maſts or Sailes by ſtormie weather, the Merchant is to beare part of the loſſe; but not if the Maſt do breake, or the Sailes be blowne ouer-boord.

The rating of the goods loſt, and to be caſt into an Aueridge, is to be reckoned vpon the ſhip, as the ſame may be valued to be worth, and that for ſo much as he muſt take the ſame, if the Merchants will

ſuffer

ſuffer it, and the like to be done in the appraiſement of goods, and the ſhips fraight.

When Merchants goods are taken at the ſeas, ſome of one man, ſome of another mans; euerie one is to beare his owne loſſe, vnleſſe it were otherwiſe agreed before the ſetting forth of the ſhip.

Of ſhipwreck, and goods found at the ſeas.

If a ſhip breake on the ſeas, or be caſt away, wherby it cannot make his voyage, then there is but halfe fraight due for the goods ſaued.

When a ſhip receiueth damage vpon the ſea, by the Maiſters negligence, and bringeth neuertheleſſe the Merchants goods home, the Maſter is to haue his full fraight: but for the goods which he bringeth not, there is no fraight due; and if any be damnified, he is to make good the damage.

If any man find any ſhip-wrecke goods vpon the coaſt, or in the ſeas, driuing neere the ſhip, and fiſheth vp the ſame, he is to anſwere the ſame to the next Magiſtrate, or iuriſdiction thereunto adioyning, be it towne or countrie, and the finder ſhall haue for his labour and paines the twentieth part. But if it be ſtolne goods vpon the ſeas, then he is to haue $\frac{1}{4}$ part.

When there is ſhipwrecke apparant to be on the ſeas, the Maſter is to ſee the perſons to be landed firſt, then to ſaue the goods, tackle, apparrel and all the furniture; and of that which is ſaued, conſideration for it is to be made by the arbitrement of honeſt men.

If ſo much be ſaued of the ſhips furniture as the fraight commeth vnto, then are full wages to be paied to the Mariners.

Of other damages at the ſeas.

When two ſhips at ſea cannot ſhunne one another, and both ſuſtaine damage, vpon proofe made by oath not to be wilfully done, it is ended.

If a ſhip vnder ſaile do run vpon another ſhip at anchor, and ſinke the ſame, or commit other damage, the partie offending ſhall pay for all, and the ſhip ſhall alſo be liable thereunto, according to indifferent iudgement.

If by ſtorme a ſhip breake looſe and run vpon another, and indamage the ſame, the loſſe to be repaired as aforeſaid.

If a ſhip receiue damage by the anchor of another ſhip hauing his boy, the ſame is to pay the damage; and if both ſhips be in fault, then the ſame to be borne proportionably.

Of diſcharging of ſhips, and deliuering of goods.

When a ſhip is ſafely arriued to his place of diſcharge, the Mariners are to be diligent to looke to their diſcharge, vpon paine of halfe wages.

No Maſter ſhal ſell any of the ſhips victuals, vnleſſe it were to preuent ſome loſſe, and ſo bring the money to account, or vpon neceſſitie of others to helpe them in diſtreſſe; and the remaining victuals he is to deliuer to the Owners, and the Mariners ſhall take no part thereof after diſcharge, and the Purſer of the ſhip is to looke to the ſafe keeping of it.

The Mariners are not to caſt the ballaſt into the water, but to cauſe the ſame to be carried to the appointed place.

When a ſhip is to be prepared or ſet forth, it muſt be done with a free and good will, and that all things may be bought at the beſt hand; wherein one or more perſons may be imployed with the Maſter, taking care to beſtow all things in ſome conuenient place, with the conſent of the Owners: that the fleſh be wel ſalted and preſerued, and all other victuals prouided to be ſhipped at the appointed time, all with good order and direction.

But when a Maſter of a ſhip doth victuall in ſome other countrie where he hath no Owners, he muſt alwaies buy all things as good as he can, and thereof keepe a true and iuſt account, wherein (if he be found to haue dealt fraudulently) he is to be puniſhed for a theefe.

Therefore to prepare all things whereby a voyage may be ſooner accompliſhed, the Magiſtrates are to take care as well as the Owners to further the ſame; ſo that the Merchant or the fraighter of the ſhip making the goods readie to be laden, may find the ſhip readie at the appointed time agreed vpon, vpon forfeiture of the whole fraight.

No Maſter of a ſhip ſhall for himſelfe alone, or his Owners, deale or lade any merchandiſe and goods in the ſhip, without the knowledge of the fraighter of the ſhip, but do all things orderly.

And whereas it may happen, that in the preparing of a ſhip, ſome of the Owners may not agree to the ſame; moſt voices ſhal ouer-rule the ſame, as the manner is in all ſea-lawes, and then money may be taken vpon the ſhip for his part, by Bottommarie, called *Fœnus nauticum.*

Of Bottomarie. The Maſter of a ſhip hath no power to take vp money by Bottommarie in places where his owner or owners dwell, vnleſſe it were for ſo much only as his part commeth vnto in the ſaid ſhip, otherwiſe his owne goods, and not the ſhip is to anſwere the ſame.

But when a Maſter is out of his countrie, and where he hath no Owners, nor any goods of theirs, nor of his owne, and cannot finde means to take vp by exchange, or otherwiſe, and that for want of money the voyage might be ouerthrown; then may he take mony vpon Bottommarie, and all the Owners are liable thereunto, otherwiſe he ſhall beare the loſſe.

Of Admiralty. When ſhips do enter into Admiraltie one with another, whoſoeuer breaketh the Admiraltie is bound to anſwer the damage which ſhall happen thereby: If he haue it not in money, he ſhall make ſatisfaction by all other meanes.

Of goods caſt, or Aueridge. If a ſhip at ſea be in daunger, ſo as goods muſt be throwne ouer-boord, theſe caſt goods are to be anſwered by ſhip and goods, as an Aueridge, wherein the Owners and goods on boord pay all *pro rata.*

If a Maſter cut his Maſts or Sailes by ſtormie weather, the Merchant is to beare part of the loſſe; but not if the Maſt do breake, or the Sailes be blowne ouer-boord.

The rating of the goods loſt, and to be caſt into an Aueridge, is to be reckoned vpon the ſhip, as the ſame may be valued to be worth, and that for ſo much as he muſt take the ſame, if the Merchants will

ſuffer

ſuffer it, and the like to be done in the appraiſement of goods, and the ſhips fraight.

When Merchants goods are taken at the ſeas, ſome of one man, ſome of another mans; euerie one is to beare his owne loſſe, vnleſſe it were otherwiſe agreed before the ſetting forth of the ſhip.

Of ſhipwreck, and goods found at the ſeas.

If a ſhip breake on the ſeas, or be caſt away, wherby it cannot make his voyage, then there is but halfe fraight due for the goods ſaued.

When a ſhip receiueth damage vpon the ſea, by the Maiſters negligence, and bringeth neuertheleſſe the Merchants goods home, the Maſter is to haue his full fraight: but for the goods which he bringeth not, there is no fraight due; and if any be damnified, he is to make good the damage.

If any man find any ſhip-wrecke goods vpon the coaſt, or in the ſeas, driuing neere the ſhip, and fiſheth vp the ſame, he is to anſwere the ſame to the next Magiſtrate, or iuriſdiction thereunto adioyning, be it towne or countrie, and the finder ſhall haue for his labour and paines the twentieth part. But if it be ſtolne goods vpon the ſeas, then he is to haue $\frac{1}{4}$ part.

When there is ſhipwrecke apparant to be on the ſeas, the Maſter is to ſee the perſons to be landed firſt, then to ſaue the goods, tackle, apparrel and all the furniture; and of that which is ſaued, conſideration for it is to be made by the arbitrement of honeſt men.

If ſo much be ſaued of the ſhips furniture as the fraight commeth vnto, then are full wages to be paied to the Mariners.

Of other damages at the ſeas.

When two ſhips at ſea cannot ſhunne one another, and both ſuſtaine damage, vpon proofe made by oath not to be wilfully done, it is ended.

If a ſhip vnder ſaile do run vpon another ſhip at anchor, and ſinke the ſame, or commit other damage, the partie offending ſhall pay for all, and the ſhip ſhall alſo be liable thereunto, according to indifferent iudgement.

If by ſtorme a ſhip breake looſe and run vpon another, and indamage the ſame, the loſſe to be repaired as aforeſaid.

If a ſhip receiue damage by the anchor of another ſhip hauing his boy, the ſame is to pay the damage; and if both ſhips be in fault, then the ſame to be borne proportionably.

Of diſcharging of ſhips, and deliuering of goods.

When a ſhip is ſafely arriued to his place of diſcharge, the Mariners are to be diligent to looke to their diſcharge, vpon paine of halfe wages.

No Maſter ſhal ſell any of the ſhips victuals, vnleſſe it were to preuent ſome loſſe, and ſo bring the money to account, or vpon neceſſitie of others to helpe them in diſtreſſe; and the remaining victuals he is to deliuer to the Owners, and the Mariners ſhall take no part thereof after diſcharge, and the Purſer of the ſhip is to looke to the ſafe keeping of it.

The Mariners are not to caſt the ballaſt into the water, but to cauſe the ſame to be carried to the appointed place.

Of the Masters reckoning, and of the lading, &c.

The Master is to deliuer instantly (vpon his discharge) a true account, &c.

The portage of Mariners shall not bee allowed for Spaine nor France, &c. but when they are laden with salt, then they may haue it homewards.

Of wages extraordinarie.

The Mariners deseruing well, are to haue certaine extraordinarie wages, and in all accidents and sickneſſe to be prouided for; all which is agreeable to the sea lawes before declared.

## CHAP. XXXIIII.

### *Of Nauigation and Communitie of the Seas.*

TRafficke and Commerce (without Nauigation) would be of small moment: therefore euen as God the Author and Creator of all things, hath made of the waters and earth on perfect globe, for their more mutuall seruice to mans vse; so hath he also distributed his seueral and distinct Blessings to diuers Climats, to the end that (by supplying the barrennesse of some things in one countrie, with the superfluities and fruitfulnesse of other countries) there might be a communication and entercourse betweene all nations, by way of Traffick and Commutation of things interchangeably, whet-by one Common-weale should liue with another; so that Trafficke betweene all people (hauing peace one with another) is free. And according to the common right of mankind, *Iure Gentium*, the Nauigation through all the world, is no lesse free and open to euerie one, than the vse of the ayre. God hauing so disposed of the foure Eliments, two to swim aboue mans head; and two to lie vnder his feet, the Earth and the Water. Hence it proceedeth, that passage both vpon land and sea through all Christian regions, is and hath beene so indifferently permitted to all persons of all nations, euen to Turkes, Iewes, Barbarians, and Pagans (not being professed enemies) much lesse to be restrained therefore of Christians in all respects, both by land and vpon the seas, vnderstanding the great maine Ocean seas, which cannot be hindered but by the right of wars.

The law of Nations.

This excellent art of Nauigation is now so much practised and knowne, that the voyages heretofore performed by sir *Francis Drake* knight, and after him by master *Candish*, sayling round about the globe of the earth in lesse than three yeres time, is become no matter of admiration; and may be done in far shorter time, as dayly experience doth proue.

Maruellous is that naturall propertie of the Magnes, called the Load-

Loadſtone, or Adamant ſtone, whereby the needle of the Compaſſe being touched, immediately turneth to ſome one certaine point of the heauens, and after ſundry motions hither and thither, findeth reſt onely in one place and point. And albeit this point in ſeuerall Horizons be different, yet in any one Horizon it remaineth permanent; and therefore it plainely appeareth, that the ſame proceedeth of ſome conſtant permanent cauſe naturall, and not of any vncertaine cauſe accidentall; but what this cauſe ſhould bee, is hitherto vnknowne. The moſt probable and beſt allowed, is the point Attractiue, which ſhould be of ſuch vertue as to draw the needle touched, alwayes towards the ſame point; affirming that there is a great rocke of Magnes ſtone, diſtant from the Pole certaine grades. I haue of late yeares ſeene a Magnes ſtone (which the partie ſaid to haue had from a rocke in Sweathland) which weighed not much more than one pound, and ſuch was the Attractiue power of it, that thereby an Anchor of thirtie pound weight was drawne vp, as my ſelfe and diuers others haue made triall of; howſoeuer, this Mathematicall reaſon following, is worthy the conſideration of a good iudgement. Of the variation of the Compaſſe.

As the Axis of the earth, notwithſtanding all other motions, remaineth (as it were) immoueable; and yet in reſpect of the Spherical forme of the earth in euery ſeuerall Horizon maketh a line Meridionall, by reaſon of the Section made in the ſuperficies of the Horizons, by Meridians, hauing all that Axis as their common Diameter: So may it alſo come to paſſe of the line of the needle, and his variation, the needle being alwaies permanent in one plaine ſuperficies, according to the ſeuerall Section of the plaine wherein it reſteth, and the Horizon there may continually bee made, in euerie plaine new variations: For a ſimile, as in a paire of ballance of equal weight, there is a certaine motion too and fro, before they find their true place of reſt (the ſame being onely in the leuell of the Horizon) which commeth to paſſe by the Attractiue Center of the earth; who drawing vnto him either weight with like force, finding the ſubſtance like alſo, compelleth them to reſt in the ſuperficies, like diſtant from that Attractiue Center: ſo in the needle, being a bodie indued with two ſeuerall properties, the one of Grauitie, and the other of Leuitie, which being equally peized, forceth him to abide in the Horizon; the other being Magneticall and receiued by the touch, cauſeth him to reſt alway in that one Meridian to the Magnes appropriate; it thereby commeth to paſſe, that after ſundrie ballancing this way and that way, it onely ſettleth in the common Section of this peculiar Meridian and Horizon. So that euen as in Dialls, the line of the ſtile onely accordeth and concurreth with the Meridian line, in ſuch as are void of declination (but in all ſuch plaines as are declinatorie, the line of the Stile varieth from the Meridian line, and the ſame Angle of variation alſo altereth as well in reſpect of inclination as declination) ſo it may be ſuppoſed this variation of the Compaſſe to be nothing elſe but the Angle comprehended be-

tweene the Meridian line, and the common Section of the Magneticall Meridian to the Horizon, in the Horizonceall plaine; and this Angle to bee alwayes exactly equall to the Angle contained of the Meridian line, and line of the Stile, the Longitude of the place proponed, accounted from the Magneticall Meridian, being equall to the declination of the Dialls plaine ſuperficies, making computation from South to Eaſt circularly, and the Latitude of the place equall to the complement of the inclination of the ſame ſuperficies Horologicall, wherein euery man at his pleaſure may iudge with vnderſtanding, if hee haue taſted but of the firſt principles of the Mathematikes or Coſmography. And hauing made mention of the Attractiue Center, I call to memorie a conference, which in the yeare 1606 (being in Yorkeſhire about the Allome Mines, and certaine Lead Mines in Richmondſhire) paſſed betweene the Archbiſhop of Yorke Doctor *Matthew*, and my ſelfe, in preſence of *Ralph* Lord Eure, with whom I went to Yorke to congratulate the ſaid Archbiſhop newly come to that See, which was concerning the Center of the earth, which hee ſaid was vnknowne vnto him what to coniecture of it; whereupon we entred into a large diſcourſe, inſomuch that from the loweſt Center, wee did clime and aſcend to the higheſt Climate by imaginarie conceits (for ſo is all the ſtudie of the Circle of the Zodiacke, and the appropriation of the twelue Signes therein:) and after many reaſons of the earths ſtabilitie, againſt the Pithagorians and *Copernicus* doctrine of Mobilitie (that is to ſay, Whether the Heauens moue, and the earth reſteth immoueable, or the earth moue, and the great Orbe of Stars be permanent mentioned before) we did find all this to be imaginarie, and in that conſideration and imagination wee did diſcend to the lower Center againe; and thereupon conclude, That whereas the Center is taken to be as a point of a great Circle, and ſo all weightie things falling thereunto, it may as well be a great Circle whereupon all other Orbes runne in circumference circularly: Seeing that the earth and waters together make the perfect Globe as aforeſaid, and all weightie things may bee inclining to that Circle. But this matter being not concerning Nauigation, let vs returne againe to our obſeruations, That the maine Ocean Seas are common to all Nations as the paſſages are on the Land, to bee nauigated for trafficke and commerce, yet no one man can trafficke with any Nation without their conſent.

Experience of former ages, doth confirme this imaginary Circle of the Zodiacke.

Concerning the Art of Nauigation, Mariners haue one great imperfection, that is, the want of exact rules to know the Longitude, or Arkes Itinerall, Eaſt and Weſt, without the which they can neither truely giue the place or ſcituation of any Coaſt, Harbour, Rode or towne; nor in ſayling diſcerne how the place they ſayle vnto beareth from them, or how farre it is diſtant: whereby they are inforced long before they come to any Coaſt, all night to ſtrike ſayle, not otherwayes than if they were vpon it, thereby loſing the benefit of proſperous windes, in ſch ſort ſometimes, that whereas keeping a true

courſe,

course, they might haue beene quietly at road, they are by contrarie and aduerse tempests carried farre off, and so not without great charge to the Owner, paine to the Company, and perill to their Ship are enforced to waste their time; which of late yeares by some new Charts and Instruments is in some part amended, albeit the said Charts are still described with straight Meridian lines running equidistant or parallel, which is erroneous: and they suppose that running vpon any of their points of the Compasse, they should passe in the circumference of a great Circle, and therefore in the plaine Cardes describe those windes with straight lines, which is another abuse. For the Ship steming the North and the South, onely maketh her course in a great Circle East or West: shee describeth a parallel, and being stirred on any other meane point shee delineateth in her course a Curue or Helicall line, neither straight nor circular, but mixt of both: which supposition being well obserued, betweene two different Angles of variation, and conferred with some such third Angle of a Curue line, euery degrees sayling or thereabouts, will shorten their course of sayling, that (with like wind and weather) they shall performe that in twentie foure houres, wherein they spend aboue three or foure dayes, and many times the voyage is thereby lost and ouerthrowne: As I made Sir *Francis Drake* Knight to take notice of, in the yeare 1587, and after that more sensibly to Sir *Walter Rawleigh* Knight.

Remuniation of goods in common. Gen. 1. 28

A very rare obseruation respecting the Latitude.

By Diuine Law.

## CHAP. XXXV.

### *Of the distinct Dominions of the Seas.*

PLato the Philosopher, perceiuing that Equalitie would be the cause that euerie man should haue enough, was of opinion, and willed all things in a Common-wealth to bee common; whom Sir *Thomas Moore* in his Vtopian Common-weale seemeth to imitate, to the end that an infinite number of Lawes alreadie made, and the making of so many new Lawes as daily are made might be abolished: whereas all of them are not sufficient for euery man to inioy, defend and know from another mans, that which hee calleth his owne proper and priuate goods. But finding afterwards that this Equalitie could not bee established, and that many other

other inconueniences should arise thereby, he did wisely reuoke the same in his second Common-wealth. For the same was neuer vsed in any age, nor by the Word of God commanded, when from the beginning he willed man to subdue *the earth and rule ouer the fish*. And againe after the Flood, willing man to repleniſh the earth, and for the better performance thereof scattering Mankind at the building of the Towre of Babel, ouer all the face of the earth, diuiding the Isles of the Nations into their seuerall Lands, God being the Author of Nature, as also of the diuision: Insomuch that when Mankind was propagated to an infinite number of creatures, and things vpon the earth not sufficient for their sustenance, then of necessitie followed the vse of Trading vpon the Seas, both for Fishing and Negotiation; which could not be done if all things had beene common, neither on Land, nor vpon the Seas, which thereupon became diuisible, in places of fishing, but not in the maine great Seas, which is common to all Nations (*Iure gentium*) as in the precedent Chapter is declared; not that the words intend any Law set downe by common consent of all Nations, but onely denoteth vnto vs the example or custome of other Nations in sayling and trafficking ouer the Seas, with commodities reared vpon the Land and by the Seas ioyning thereunto, and not in the maine Ocean Seas where no fishing can be vsed: whereby the properties of both Lands and Seas are distinguished by the said Law of Nations, agreeable in this particular with the Law of God: For the Moral Law prohibiting theft and the coueting of other mens goods, doth declare the said propertie. And the Ceremoniall Law, willing euery man to make sacrifices of his owne, doth confirme the same.

Renuntiation of goods in common. *Gen.* 1. 28.

By Diuine Law.

The meanes which God hath appointed, to make this distinction of the Dominions vpon the Seas, are as certaine as the mensuration of the Land whereunto the Sea is adioyning, and in proprietie to bee esteemed accordingly, taking their names of the Countries and Kingdomes adiacent, or of their scituation; as *Mare Britannicum*, *Mare Germanicum*, *Mare Hibernicum*, and for scituation, *Mare Mediterraneum*, obserued by Cosmographers, Historiographers, and Mathematicians: this is performed with the helpe of the Compasse, counting of courses, soundings, colour of the grauell or sands, and other wayes to designe *Finitum ab infinito*: so farre as is expedient for the certaine reach and bounds of Seas, properly apppertaining to any Prince or people; wherein the Doctors of the Ciuile Law haue recorded excellent obseruations. *Baldus* saith, *Vidimus de iure gentium, in Mare esse Regna distincta, sicut in terra Auda.*

By the Ciuile Law.

By the Law of Nations and Customes.

*Bartolus* doth in his opinion allow for princes and people at the sea-side *Centum milliaria*, which is one hundreth leagues of sea from their coast, if they extend their protection so farre, called by them *Districtus maris & territorium*, which is most plaine in those seas where the Isles of Garnesey and Iarnesey are so sensible and visible to the realme of England, or where there are such rockes or eminent marks

*Ad legem* 1. *de ter. diuisione. In* §. *nullius in tract. de insula.*

Visible Markes of Dominion.

as

as the Washes at the West seas thereof; to which purpose *Paulus* a renowmed Ciuilian saieth, That it is not needfull for him who would possesse himselfe of any land, to go about, and tread ouer the same; but it is sufficient to enter in vpon any part thereof, with a mind to possesse all the rest thereof, euen to the due marches, to be made apparant by the instruments of Geometricians. And the like may be designed vpon the seas, notwithstanding the soliditie of the one, and the continuall flowing too and fro of the other.

This distinction of dominion hauing continued so many hundreth yeares, needeth not to be corroborated with other proofe and arguments: yet let vs note *obiter*, That if the same were not distinguished as aforesaid, one borne vpon the seas should haue no countrie or nation to appeale vnto, and a man dying intestate vpon the seas, should minister occasion of question to know who should administer his goods; and making of a Will, how the same should be proued and executed by law, without approbation of some Court or Iurisdiction: whereas we find many Admiralls of the seas, and their seuerall iurisdictions vpon the seas, as deputies to their Princes or States, who are alwaies absolute Commanders in their precincts, according to the treaties and contracts made betweene Princes which are in the nature of lawes, and inseperable of the said Princes right on the land, concerning the possession of their Kingdomes or Commonweales, as the fundamentall cause of their dominion, wherein discontinuance (of any part of their right) cannot be pleaded against them. The Kings of England neuertheless haue beene prouident and carefull herein: for Historiographers haue recorded, That King *Edgar* (one of the Saxon Kings long before the Conquest) made a surnay yearely of the foure great seas, and stiled himselfe lord thereof euen vntill Norway, and his progresse was most towards the North. It is also affirmed, That the said King *Edgar* caused an inscription to be made vpon his Tombe for a monument, calling himselfe *Dominus quatuor Marea:* and as *Papinian* the Iurisconsult saieth, *In finalibus questionibus vetera monumenta sequenda sunt*. But this for the dominion of the Kings of England ouer their seas, is not needfull. For afterwards *William* Duke of Normandie, after he had subduced the realme of England by conquest, caused himselfe not onely to be proclaimed King, but also that all the goods of the subiects were his, and so caused the land to be diuided, and yet was contented to change the title of a Monarchie by conquest into a Monarchie Royall, and was also Lord of the said foure seas, by the former assumpsit, which had then continued 200 yeares; and his progresse by sea was most Westward. For when Princes or Kings do stile themselues by proclamation, then the continuance thereof (without opposition of other princes) is holden and obserued as inuiolable and permanent.

Now King *Henrie* the second succeeding *William* the Conqueror, within one hundreth yeares, did ioine Ireland to the crowne of England,

Cases of ciuile Law, or Admiralrie.

*Matthew of Westm. Ranulph Cestrien. Anno 973.*

*Mare Britanicum.*
*Mare Hibernicum.*
*Mare Germanicum.*
*Mare Deucalidon.*

*Io. Bodinus de Rep.*

*Graftons Chronicle.*

land, and did reduce Normandie and other places in France to the browne, taking (as it were) a new possession of the said seas: and *Henrie* the first euerie yeare, or within three yeares at the furthest, crossed ouer into Normandie, hauing taken *Robert* Duke of Normandie prisoner.

Chro. Malmesburie. *Ioh. Hayward.*

In the time of King *Edward* the third, there was a disputation held with France, concerning the fishing of the seas about Brittaine: in which it was proued to belong to England, and thereupon Fraunce disclaimed therein, as appeareth by the said King *Edward* the third his Proclamation yet extant. Which arguments and contracts are as a law effectuall. And here I must remember the singular care which the right reuerend father in God doctor *Abbot* (now Archbishop of Canturburie, and Metropolitane of England) hath had, in procuring (at his great charges for the good of our posteritie) an excellent great Volume or Manuscript which was heretofore taken at Calice in France when the Spaniards tooke the same, *Anno* 1596, and caried to Bruxels in the Low-countries, whereof I haue had the perusall, and made an Abstract of the Chapters of the same, *viz.* The Treatie of Peace betweene *Edward* the third, king of England, and *Iohn* king of France, for themselues and their eldest sonnes, namely *Edward* the Blacke Prince of Wales, and *Charles* Duke of Normandie Regent; the French King his father being prisoner to the said King *Edward*: which Treatie was made the eight of May 1360, in Britanie neere Chartres, and confirmed at Calice; whereupon sixteene Hostages were giuen to the King of England, by the French King, who was to come thither in person, and to pay three millions of crownes for his ransome, of two crownes to bee reckoned for an English noble, called in King *Henrie* the eight his time Angell noble, being some 750000 ℔ sterling. The ship whereof vpon the one side, did signifie the dominion of the seas; whereunto old *Chaucer* the Poet did allude in *Henrie* the fifth his time. This money was to be paied, to weet, six hundreth thousand crownes at Calice, within 4 months after King *Iohns* arriuall there, more foure hundreth thousand crownes within the yeare, and so much yearely vntill the full paiment made within the citie of London, being the kings Chamber.

By ancient records and Treaties &c.

A rare booke remaining with the Archbishop of Canturburie.

The ransome of King *Iohn* of France.

After this follow the particular Letters for the deliuerie of seuerall countries and townes, as Caours, Carsin, Monstreull, Calice, Rochell, Turaine, Poitiers, Poitou, Xantes, Xantogne, Dagonois, Perigot, and diuers others, besides many Letters concerning the French Kings libertie, and his Hostages, and of the homage to be made by the Earles and Barons to the King of England (who remaineth with the title of Soueraignetie and Domayne) besides many other memorable things; so that all matters concerning the seas and land were established for those seas: and King *Edward* tooke sixe pence a tunne for fishing ships. King *Henrie* the fifth who did conquere all France, and had the possession of *Mare Britannicum*, lost nothing of his right; no more did *Henrie* the sixth, and King *Henrie*

the

the ſeuenth, as may appeare by their Proclamations, Treaties, and Contracts not onely with the French, but with the Archdukes of Burgondie, as by *Guicchardins* Chronicle, or Hiſtoricall deſcription of the Low-countries appeareth. And as Doctor *Dee* in his booke of Nauigation affirmeth, King *Henrie* the ſeuenth in conſideration of the fiſhing trade, properly belonging vnto England (in his ſeas and dominions) had reſolued to ſettle a trade thereupon, which he preferred aboue all voyages; for in thoſe daies, there was no fiſhing trade eſtabliſhed in the Low-countries. And it is not yet one hundreth yeares compleate, that one *Violet*, *Stephens*, and other diſcontented Fiſhmongers departed the realme of England, and went into Holland to the towne of Enckhuſen, where they procured the inhabitants to fiſh for them, in his Maieſties of great Brittaine ſeas, ſtreames, and dominions: which inhabitants (vpon the deceaſe of the ſaid Engliſhmen Fiſhmongers) tooke the whole trade to themſelues, diſperſing the ſame into many other townes, whereby the ſame is admirably increaſed. Queene *Marie* being maried with King *Philip* the ſecond of Spaine (vnder whom all the ſeuenteene Low Prouinces were vnited) granted a leaſe vnto the ſaid King for the fiſhing of his ſubiects in the North parts of Ireland, for one and twentie yeares, for a certaine fine, and paying one thouſand pound yearely into the Treaſurie of Ireland, and *Edward Fitton* knight then Treaſurer. And the Companie of the old Haunce *in primo* of the ſaid Queene *Marie* had alſo libertie to fiſh within the ſaid ſeas, vpon certaine conditions, as appeareth in the Chappell of the Rolls of the Chancerie. And for England Northwards, licences were giuen at Scarborough Caſtle.

Chro. *Hollingſhed.* Chr. *Froiſzart.* *Guicchardin* and the ſaid Treatiſe.

By originall antiquitie.

To this diſtinction of dominion of the Seas, I call to memorie the proceedings of that victorious King *Henry* the eight, who during the time that Calice was vnder the Crowne of England (as it hath beene full 211 yeares) vſed the inuention of the ſigne of the Portcullis, ſignifying the power of locking vp of the narrow Seas betweene Douer and Calice, which was thought conuenient to bee vſed vpon the coyne made for the Eaſt-Indies, at the beginning of that trade, being peeces of the value of eight Royalls of Spaine, whereof there was coyned in the Tower of London for a triall (in Ianuarie 1600) ſome ſix thouſand pounds, which could not be made currant there, becauſe the Spaniſh peeces of eight Royalls, had beene before that time counterfeited by other nations, which made the Eaſt-Indians to doubt of our coyne, although without cauſe. This noble King *Henrie* (hauing procured the Emperor *Charles* the fifth to meet with the French King) went ouer in perſon with a great power to beſiege the towne of Bulloigne in France, and when he ſaw that the Emperors Tent or Pauillion was made with the two pillars of *Hercules*, and the inſcription *Plus vltra*: and likewiſe the French Kings Tent with the three Flowerdeluces, and the title of *Primus Chriſtianorum Rex*, He cauſed an Archer to be made vpon his Pauillion with Bow and Arrowes, and his inſcription was *Cui adherio praeſt*, declaring thereby

Inuention of the Portcullis.

thereby his preſent ſtrength whereby hee did qualifie thoſe warres, and peace was made between the Emperor and the ſaid French King, it being true that the ſtate of a Prince doth as much conſiſt by reputation, as by ſtrength.

Our Soueraigne Lord King *Iames*, hath alſo beene mindfull of his right of diſtinct dominion; for the great bleſſings which almightie God hath allotted to the Kingdomes of Great Brittaine, Ireland, and the Iſles adiacent vnder his Maieſties Dominions, is ſo viſible to all the world, as that thereby they are rauiſhed with admiration. For albeit that the earthly bleſſings are produced in ſeaſonable times: yet the bleſſings of the Seas are directed and pointed at by the finger of God at infallible ſeaſons, cauſing thoſe watrie creatures to offer themſelues for our ſuſtenance, and for the generall good of all creatures in places certaine, within his Maieſties Seas, Streames and Dominions, and not into the maine where fiſhing cannot bee effected. Whereupon his Maieſtie before his comming into England, did let the fiſhing of Scotland to the Hollanders for fifteene yeares, it being agreed by more ancient Treaties betweene them, that the fiſhing then agreed vpon ſhould be eightie miles from the Coaſt, to the end the Scoles of Herrings ſhould not bee interrupted. His Maieſtie in the fourth yeare of his Raigne of Great Brittaine, made a Graunt to one *Collyns* of Couentrie for twentie one yeres for the fiſhing in ſome parts of Ireland: and the like Graunts haue beene made for the Iſles of Garneſey and Iarneſey, according to the Common Law of England, which (in this point concerning his Maieſties right of dominion) is very copious, the handling whereof I leaue to the learned and judicious of the ſaid Law.

Graunts made for fiſhing.

By the Common Law.

In the ſeuenth yeare of his Maieſties ſaid raigne, his Highneſſe cauſed a Proclamation to be made, concerning his Dominion of fiſhing, which being compendious and ſubſtantiall, I thought conuenient here to be inſerted *Verbatim*.

IAMES, *By the Grace of God, King of Great Brittaine, France, and Ireland, Defendor of the Faith, &c. To all and ſingular perſons to whom it may appertaine, greeting. Although We doe ſufficiently know, by Our experience in the Office of Regall dignitie (in which by the fauour of Almightie God, Wee haue beene placed and exerciſed theſe many yeares) as alſo by obſeruation which Wee haue made of other Chriſtian Princes exemplarie actions, how far the abſoluteneſſe of Our Soueraigne Power extendeth it ſelfe. And that in regard thereof Wee need not to yeeld account to any perſon vnder God, for any action of Ours which is lawfully grounded vpon that iuſt Prerogatiue: Yet ſuch hath euer beene, and ſhall be Our care and deſire to giue ſatisfaction to Our neighbour Princes and friends, in any action which may haue the leaſt relation to their Subiects and Eſtates: as We haue thought good (by way of friendly Præmonition) to declare vnto them all, and to whomſoeuer it may appertaine, as followeth.*

*Whereas, Wee haue beene contented, ſince Our comming to the Crowne, to tollerate*

*tollerate an indifferent and promiſcuous kind of libertie to all Our friends whatſoeuer to fiſh vpon Our Streames, and vpon any of Our Coaſts of Great Brittaine, Ireland, and other adiacent Iſlands, ſo farre forth as the permiſſion or vſe therof might not redound to the impeachment of Our Prerogatiue Royall, nor to the hurt and damage of Our louing Subiects, whoſe preſeruation and flouriſhing eſtate We hold Our ſelues principally bound to aduance before all worldly reſpects: ſo finding that Our conuience therein, hath not onely giuen occaſion of ouer great encroachments vpon Our Regalities, or rather queſtioning of Our right; but hath been a meanes of much daily wrongs to Our own people that exerciſe the trade of fiſhing, as (either by the multitude of ſtrangers which doe preoccupie thoſe places, or by the iniuries which they receiue moſt commonly at their hands) Our Subiects are conſtrained to abandon their fiſhing, or at the leaſt become ſo diſcouraged in the ſame, as they hold it better for them to betake themſelues to ſome other courſe of liuing. Whereby not onely diuers of Our Coaſts Townes are much decayed, but the number of Marriners daily diminiſhed; which is a matter of great conſequence to Our eſtate, conſidering how much the ſtrength thereof conſiſteth in the power of Shipping, and the vſe of Nauigation. Wee haue thought it now, both iuſt and neceſſarie (in reſpect that Wee are now by Gods fauour, lineally and lawfully poſſeſſed, as well of the Iſland of Great Brittaine, as of Ireland, and the reſt of the Iſles adiacent) to bethinke Our ſelues of good and lawfull meanes to preuent thoſe inconueniences and many others depending vpon the ſame. In the conſideration whereof, as Wee are deſirous that the world may take notice, that Wee haue no intention to deny Our neighbours and allies, thoſe fruits and benefits of peace and friendſhip which may be iuſtly expected at Our hands in honour and reaſon, or are affoorded by other Princes mutually in the point of Commerce and Exchange of thoſe things which may not proone preiudiciall to them: So becauſe ſome ſuch conuenient order may be taken in this matter, as may ſufficiently prouide for all theſe important conſiderations which doe depend thereupon: Wee haue reſolued, firſt, to giue notice to all the world, That Our expreſſe pleaſure is, that from the beginning of the moneth of Auguſt next comming, no perſon of what Nation or qualitie ſoeuer, being not Our naturall borne Subiect, be permitted to fiſh vpon any of Our Coaſts and Seas of Great Brittaine, Ireland, and the reſt of the Iſles adiacent (where moſt vſually heretofore any fiſhing hath beene) vntill they haue orderly demanded and obtained licences from Vs, or ſuch Our Commiſſioners as Wee haue authoriſed in that behalfe, viz. at London, for Our Realmes of England and Ireland, and at Edenborough for Our Realme of Scotland. Which licences Our intention is, ſhall be yearely demanded, for ſo many Veſſells and Ships, and the Tunnage thereof, as ſhall intend to fiſh for that whole yeare, or any part thereof, vpon any of Our Coaſts and Seas, as aforeſaid, vpon paine of ſuch chaſtiſement, as ſhall be fit to be inflicted vpon ſuch wilfull offenders.*

Giuen at our Palace of Weſtminſter the ſixth of May, in the ſeuenth yeare of Our Raigne of Great Brittaine, France and Ireland. *Anno Dom.* 1609.

By this Proclamation, is his Maieſties Right and Dominon of the Seas, expreſſed in two words, by Lineall and Lawfull poſſeſſion of an hereditarie

hereditarie Kingdome or Kingdomes, whereunto thoſe Seas are ioyned and appertaining.

It is not a Dominion obtained by an electiue Kingdome, as Poland, Hungarie, and others; neither is it had by any firſt diſcouerie, wherein the Pope muſt be a mediatour, as *Alexander* the ſixth was between the King of Caſtile and Portugal, vpon the diſcouery of the Eaſt and Weſt-Indies, by drawing a line vpon the Globe from the Iſland of the Canaries, to make the diuiſion betweene them: Neither is it like to the Whale fiſhing in Greeneland, where ſome vpon their diſcouerie tooke neither poſſeſſion, much leſſe had any occupation, which maketh the ſtronger right: Neither is it by gift or purchaſe, as ſome Italian Princes in the Mediterranean Seas, which doe neuertheleſſe inioy both freedome and benefit thereby; but it is vndoubted and indiſputable as aforeſaid.

The beſt mark of diſtinct dominions vpon the Seas.

To conclude this Argument, the diſtinct dominion of a bordering Prince vpon the Seas, is beſt ſeene by the Tribute or Taxe which hee taketh vpon fiſhing ſhips, whereof we haue many preſidents.

In Ruſſia many leagues from the Maine, Fiſhermen doe pay great taxes to the Emperour of Ruſſia, and in moſt places none but his ſubiects are permitted to fiſh, and the Hollanders doe giue him the tenth fiſh.

The King of Denmarke taketh great tribute, both at Wardhouſe and the Sound.

The Kings of Sweathen haue done the like, which is now continued by the King of Denmarke, for Norway. The Duke of Medina Sidonia taketh for Tunyne.

King *Edward* the third of England, tooke ſix pence for euery Tun in his time, which by inhauncing of the money is now 18 pence.

All the bordering Princes of Italy, doe take tribute of the fiſh taken within the Mediterranean Seas, for their ſeuerall Territories.

In Lappia, Fiſhermen doe pay monyes in the Sound for paſſage to fetch it, ouer and aboue the tenth fiſh.

The Earle of Orkney taketh the tenth fiſh, for the Iſles of Orcades vnder his iuriſdiction: as the Fiſhermen doe to the Lords of the Manors in the Weſt parts of England, for Pilchards, Hake and Conger.

The States of the vnited Low Countries, doe take an Impoſition vpon fiſh taken within the Seas and Streames of other Princes, as alſo neere their Coaſt; and their ſubiects trafficking with the Ruſſians, as *Haunce Noblett*, *Haunce Van ſtracle*, *Robert Englegraue* and others, do continually pay the tenth fiſh vnto the Emperour of Ruſſia.

All which is requiſite for Merchants to know, to preuent troubles or loſſes, for the pretence of ignorance doth not excuſe, as our Merchants of Kingſtone vpon Hull haue found to their exceeding loſſe heretofore.

CHAP.

## CHAP. XXXVI.

### *Of Customes, Subsidies, and Impositions payed vpon Commodities.*

WHereas Customes, Subsidies, Impositions, Toles, Accizes, Imposts and other duties, by the exemplarie actions of Princes and Commonweales, are due by the Law of Nations, as a matter inherent to their Prerogatiues, because they are absolute Commanders in their Harbours, Hauens and Ports, where commodities are exported and imported: euery Merchant is bound to take notice thereof and to obserue the same, according to the ordinances and proceedings vsed therein in all countries respectiuely; to auoid the danger of the losse and forfeiture of his commodities, and to make a true calculation how to buy and sell to profit, obseruing how much vpon the hundreth pounds in value of his commodities (rated by the orders of diuers countries) the same amounteth vnto, and to adde the same with the charges vpon commodities, to the price whereat the said commodities were bought, as well in his natiue countrie, as in other countries where hee doth trafficke and trade.

Customes vpon commodities due by the Law of Nations.

In Russia, Denmarke and Sweathen, the Custome and Ordinances is; if a Merchant doe not declare all his commodities, which he importeth or exporteth, but concealeth some part of them, all the commodities of that kind, are forfeited to the Prince, and hee shall find but small fauour to redeeme them.

Rigorous dealing for Customes.

In Spaine, and other Dominions of the King of Spaine, the commodities concealed, are onely forfeited, vnlesse they bee prohibited and vnlawfull goods.

In England, Scotland, and Ireland is the like, and onely the goods concealed are forfeited, and may be had againe vpon reasonable composition; for the Statute Law giueth authoritie to the Officer who maketh the seizure, that vpon licence sued forth to compound, hee may doe it safely for his part, which is the one moitie; and for the other moity which is the Kings, Merchants are graciously dealt withall, by the Iudges or Barons of the Kings Exchequer, or others thereunto authorised: Insomuch that it hath happened that some Merchants

Abuse of fauourable dealings.

chants relying vpon this fauourable dealing, haue aduentured to expose their commodities vnto the forfeiture thereof, being commodities which pay much Custome and Imposition: as Cambrickes, Lawnes, Tabacco, Cutcheneale, Venice gold Threed, and other things, because they were (in a manner) assured to make composition vnder the summe which they were to pay for Custome and Imposition.

In France and Germany is the like for concealed commodities, which are not declared in the Custome-house; and Iewels, and precious Stones, and Pearles are freed of Custome. And so was it in England, vntill of late yeares, since the Customes were taken to farme, and yet they pay but three *pro cent.* of the value of their appraisement, to bee rated by the Officers of the Custome-house at London. But if any Merchant or Ieweller bring ouer any Iewells or precious Stones and Pearles, he is to declare them to the Officers or Waiters of the place where hee landeth, otherwise they will bee seized (by water or land) as forfeited to the King; wherein more strict dealing hath beene vsed of late, since the King hath letten to farme his moitie of the Seizures. So that first of all the Custome of concealed goods must be payed, before any composition bee made, next the composition being made, then may the Informer bee agreed withall. And no commodities can bee deliuered vpon securitie to the owner, as formerly by the Law was accustomed to be done; but they must remaine in some sufficient custodie vntill the matter bee tried by Law, or compounded by agreement. But prohibited commodities (as Allome and other things) by Letters Patents and Proclamation, the possession may be had, vpon securitie to bee giuen to answere the value thereof, according to the appraisement made of them. And these commodities (if the Master of the ship doe not declare them, vpon his entrie made in the Custome-house, vpon his oath) are also subiect to the forfeiture, although they come consigned vnto a Merchant or Factor vnawares, by another Merchant that knew not that such commodities were prohibited to bee imported. The like is it for a Merchant shipping out vnlawfull wares: but heerein hee may haue intelligence by the Customer, before hee doe lay them vpon the water to bee shipped. Againe, if a Merchant carrie money by water downe to Grauesend, with an intention to bestow the same in Bayes at Sandwich, or in other commodities at Canturburie: hee is first to declare the same in the Searchers Office, or else the money is lost, and three times the value, vpon information. For no money of Gold or Siluer, or any forrein Coyne or Plate brought into the Kingdome, can be transported; only for Passengers expences, some foure or fiue pounds may be carried out. But for commodities brought in, which haue payed Custome, the same may bee shipped out againe by Cocket, without paying any more Custome and Imposition; so it bee done vpon good Certificate, that it is the same commoditie, and that the propertie

Strict orders for Customes at London, &c.

thereof is not altered; and this muſt be done within ſixe moneths after their importation.

All Merchants ſhips being laden, haue alwaies (time out of mind) beene permitted to breake bulke below, or at Tilburie-Hope, and to pay no Cuſtome, but for the goods they brought vp, or landed in England, and nor for the goods which they did tranſport in the ſaid ſhip, or in any other veſſell or ſhip: which priuiledge and certainetie of Merchants Cuſtome ought to be ſeriouſly obſerued, better than it hath beene of late. And of this and other obſeruations Merchants and Factors are to giue notice to their friends and Maſters, to the end they do not incur any danger, which (to auoid in ſome ſort) is effected by entring the goods vpon ſight of the Cuſtomers view, by opening of them.

Permitted to breake bulke at Tilburie-hope.

To enter goods vpon ſight.

In Barbarie and other places, where the Cuſtomes are paied in kind or *Species*, if any part bee concealed and not entered, that onely will be forfeited; and yet the loſſe is greater, becauſe they will make choice of the beſt: as for example, Suppoſe a Merchant doth enter diuers ſorts of Linnen-cloth, and concealeth ſome pieces, the Officers will take both the tenth piece for the Cuſtome, and all the concealed pieces of the beſt and fineſt ſorts, to your exceeding great loſſe.

In the Low-countries and Germanie, as alſo in moſt places of Italie and Turkie, you ſhall onely forfeit the goods concealed, and bee permitted to compound for them as you can agree, wherein the circumſtances in ſome places will be conſidered, and the manner how the error grew, or whether it were done with a ſet purpoſe.

There are alſo in diuerſe places allowances made (as in England) vpon Wines in regarde of leeage of tenne or fifteene vpon the hundreth, or elſe all the Buts and Pipes are to be filled vp, and ſo to pay accordingly; wherein the time of the voyage, foule weather, and other accidents are to be conſidered, to make your compoſition thereafter.

Allowances made vpon Cuſtomes and Impoſitions.

Vpon Clothes to be ſhipped out, there is allowance made of the tenth Cloth for a wrapper, which payeth no Cuſtome: and ſo of all other woollen Commodities, which pay after the rate; as three Northeren Kerſies for a Cloth, foure Deuonſhire Kerſies, two ſingle Dozens, one double Dozen, ſix Cardinals, Pinwhites, Statutes, Stockbridges, Straites, and Tauiſtockes, foure Corniſh Dozens, Pennyſtones vnfriezed, Iſland Dozens, and Northeren Plaines for one Cloth; two Bridgewaters, Corniſh and Deuonſhire double Dozens, Florentines, Northren Dozens ſingle, and pennyſtones for a Cloth, to be vnderſtood for a ſhort Cloth coloured or white of twentie and foure yards long, waighing 60 ℔ vntill 64 ℔, whereof Engliſh Cuſtome was a Noble, and the Merchant Straunger thirteene ſhillings and foure pence, whereunto is added the auncient Cuſtome heretofore paied by the Merchants of the Steele-yard or Haunce-townes being 14 pence, ſo

Allowance vpon Clothes.

The pretermitted Custome of Cloth.

together 14 ß 6 d a Cloth, besides the ouerlength of 3 d ½ the yard; which is of late compriſed in the new Impoſition of the pretermitted Cuſtome for waighing of Clothes, at two pence the pound, ſo that a ſhort Cloth paied in times paſt a noble, and now tenne ſhillings, beſides the ouer-length, according to the weight, after the ſaid rate of two pence for the pound: all which the Merchant ſtranger payeth double.

Allowance for Tarra or Cask.

Alſo whereas of late yeares, ſince the Cuſtomes were letten to farme, all Commodities, as Sugars, Spices, Raiſons of the ſunne, and others are weighed, and thereupon the Tarra for the Caske or Cheſt is to bee allowed, and ſo the Cuſtome is payed. There ought good allowance to be made for the ſaid Tarra, becauſe many commodities being vnladed, and hauing taken the moiſture of the ſeas, increaſeth the weight of their Caske; ſo that Merchants pay many times Cuſtome for that which they haue not, by the ſtrict dealing of Officers contrarie to equitie and juſtice, if they doe not warily looke to their affaires, wherein the Officers may alſo be excuſed.

Now to conclude touching Cuſtomes, we muſt conſider what they may amount vnto vpon the hundreth: according to which, Merchants are to caſt vp their accounts for benefit and loſſe, as aforeſaid.

Cuſtome.

The Cuſtome in England (called *Parva Cuſtuma*) was three pence vpon euerie pound, that the commodities are rated in the Cuſtome Booke, which is paid by Merchants ſtrangers, now altered paying 6 d.

Subſidie.

The Subſidie or Poundage is payed by all Merchants of what nation ſo euer, which is 12 d vpon all commodities brought in. And for Cloth exported 6 ß 8 d for Engliſh Merchants, and Merchants ſtrangers double.

Impoſition.

The new Impoſition eſtabliſhed in the yeare 1608 is alſo 12 d vpon all commodities imported, and vpon ſome commodities exported is limited; ſo that Cuſtome and Subſidie in England is 12 ½ vpon the 100 for Merchants ſtrangers: beſides butleridge or ſcauage, almoſt one *pro cent.* more for goods inward; and for Engliſh Merchants is ten vpon the hundreth.

Impoſt.

The Impoſt of Wines is limited vpon the Butt, Pipe, or Hogſhed, as by the Booke of rates, with the Compoſition money, and other dueties.

In Spaine and Portugall they take after diuers rates for commodities, ſome $\frac{1}{10}$ or $\frac{1}{15}$ and twentie fiue vpon the hundreth, eſteemed to be one with another *vn quinto* or $\frac{1}{5}$ part, or 20 *pro cent.* with the Alcaualla, taken for Brokeridge to ſell them. In Barbarie ſeuen *pro cent.* aboord.

Alcaualla.

The Turke taketh $\frac{1}{5}$ part, as the Ægyptians. The Venetians take 3, 5, 7, and 10 vpon the hundreth with great aduiſement, and vpon the Manufactures of other nations 14, 15, and more. And the like is done in France to aduance the handie crafts man.

The

The Great Impoſts demanded in the yere 1604 by *Philip* the third King of Spaine (of 30 vpon the 100) of French, Engliſh, and Flanders commodities, was ſoone aboliſhed, when the French king *Henry* the 4 did the like; for one extreame enforcing another is of ſmall continuance. Great Impoſts

## CHAP. XXXVII.

### *Of Merchants Wagers, Stipulations, or Conuentions.*

FOr as much as diuers Ciuilians haue intreated of this argument of Merchants Wagers, and made ſome Treatiſes *de Sponſionibus*, wherevnder matter of Aſſurances is compriſed: it may not be thought impertinent to handle this ſubiect briefly and diuidedly from Merchants Aſſurances, alreadie declared in his proper place.

The ſaid Ciuilians do diſtinguiſh theſe Wagers or *Sponſiones* to be threefold.

1 Where a Wager is laied with a pawne in the hands of a third perſon.

2 Where (by way of Stipulation) ſome thing is giuen vpon a Wager.

3 Where a thing deliuered or by a couenant made with another perſon, the ſame is promiſed to be reſtored, and double, treble, and ten times the value thereof vnto the partie with whom the Wager is made, if the matter in queſtion or doubt do not take effect; whereof many examples may be giuen and declared, namely,

The Great Wager betweene *Cleopatra* Queene of Ægypt, and *Marc Anthonie*, for the great expences of a ſupper, by diſſoluing the Paragon Pearle, and drinking the ſame, as *Plinie* reporteth, when *Lucius Plancus* was made judge of that Wager, and pronounced that *Anthonie* had loſt. Examples of Wagers.

That of *Cecinna*, whereof *Cicero* maketh mention for the recouerie of his grounds taken from him in hoſtile maner by *Eubuſius*, and reſtored againe.

That ſuch a Cardinall ſhall be elected to be Pope, That ſuch a King is dead, and ſuch a town is taken: in all which, the Wager is made by Pawne, Stipulation, or Conuention, as aforeſaid; and hereof are innumerable examples.

Hereupon they conclude, That all Wagers laid muſt be for honeſt

causes, and as it were striuing for vertuous actions; and that these by the law are to bee maintained in the performance of the Wager, wherein custome is the best interpreter, euen in the point of law, which is considerable in all cases by the long obseruation of them.

Custome the best interpreter of Law.

Lawfull Wagers and vnlawfull.

A Wager being laid, that the Pope of Rome, or the Emperor, or any other great personage shall die within the yeare, is good in law: but to lay Wagers, as desirous or wishing some vnexpected euill or aduerse fortune vnto an honest man, or although it were to an enemie, is neither ciuile nor naturall in the vnderstanding of well disposed men.

A Wager laied vpon the death of a priuate person, is disallowed; but not for the contracting of any supposed or expected marriage, which is lawfull.

All Wagers laied in lawfull games are allowable; but in prohibited games cannot be recouered by the Ciuile law. So Wagers made by lookers on vpon other mens games are disallowed, which is the cause that Stipulations are made, putting the pawne or money downe, which is called, to stake downe: and if it be vpon an vnlawfull game, then the lookers on are subiect to punishment, as well as the gamesters.

A Wager laid who shall eate or drinke most, is vnlawfull.

If a Gamester or a Merchant playing, receiue twentie and promise to giue fiftie for it the next day playing, the Conuention is good.

A Merchant laying a Wager to giue tenne for one if such a ship arriue within a limited time, within such a Port or Hauen, is good in law.

A Wager is laied vpon the arriuall of a ship in the port of Lixborne, and a certaine summe of money promised thereupon: it falleth out, that the said ship is a Galeon; so deniall is made to pay the money. The Law did determine the money should be paied, because the word Ship is a generall name, although it be called by diuers names, As a Notarie is called a Tabellion, Scriuenor, or a publike seruant.

A Wager vpon a sonne or a daughter to be borne, is good in law; and if it be a Hermophrodite of both sexes, then iudgement is giuen according as the naturall inclination shal be found to be more masculine or feminine.

Ambiguitie, or Equiuocation in Wagers.

And in all Wagers wherein ambiguitie or equiuocation doth happen, there must be a naturall moderation in the construction of them; for an euill custome loseth her name, and becommeth vsurpation, as is before declared.

If any man by the inducement or fraud of a third person lay a Wager that such a woman shall be deliuered of a sonne, when she was alreadie deliuered, the Wager is not to be allowed, and if the Midwiues are partakers herein, they are to be punished, and incur *Crimen Stellionatus.*

If one lay a Wager to run with another, and afterwards doth refuse

to

to runne, hee may be compelled thereunto, or the ſtake is loſt; for hee committeth no deceit, which preuenteth a fraud. The captation or aduantage taken vpon words ought therefore to be excluded, and wagers are to be made in plaine termes, and to be conſtrued accordingly; *Fallere fallentem, non eſt fraus.*

Wagers between Merchants are many times more done for ſport and recreation than for gaine: for ouer great wagers are againſt good manners, and may concerne a Merchant much in reputation and credit, more than the playing for great ſummes of money, which many times Merchants doe vſe, with the obſeruation of a conuenient time, and as the Prouerbe is, With good fortune, otherwiſe the end of it is dangerous; for as nature produced all things in due time, ſo is moderation required in all actions.

## CHAP. XXXVIII.

### *Of Merchants Markes ſet vpon Commodities.*

THe marking of Merchants commodities, either packt vp in Bundels, Truſſes, Caſes, Coffers or Packes, is of great importance; for not onely by the Cuſtome of Merchants, but alſo by the Ciuile Law, the propertie of the goods and merchandiſes is adiudged to him, by whoſe marke they are marked or ſealed. It is dangerous therefore to vſe another mans marke, as many times Merchants doe in time of warre, when they lend their names and markes for the preſeruation of their goods, betweene two or more contending Princes, both by Sea and Land.

Merchants markes to be ſet vpon their bookes of accounts.

Euery Merchant is to ſet downe his marke vpon his Bookes of account, wherewith his commodities are marked. And in like manner, If a Company or Societie of Merchants doe agree vpon a marke, the ſame is to bee ſet vpon the Bookes of that Societie: and if that Company doe diſſolue, the ſaid marke may remaine with the moſt ancient of that partnerſhip, by the Cuſtome of Merchants; whereof the Ciuile Law and the Law of Admiraltie taketh notice in their judicature, and eſpecially the Merchants Courts of Conſulate. And if the marke of one of the partenerſhip bee vſed for all, the ſame vpon diſſolution of that partenerſhip is to returne to the ſaid partie; and no man is to vſe another Merchants marke,

without

without especiall leaue had and obtained of the partie whose marke it is. For euen as Merchants doe saile betweene the two dangerous rockes of Scylla and Charibdis in their course of trafficke, when Princes are at variance: So is the danger to vse another Merchants marke without leaue; because the partie owner of the said marke is to defend the said goods, if they bee taken, or to countenance the persuers of the sute in Law for them, as farre as they in reason may require, otherwise the said goods may bee lost as soone as taken. For as Ships are knowne by their Flags, and so taken to bee at the Seas; so are Merchants goods marked with another mans marke, to bee that mans goods, although it were not, and will bee so adiudged in the Courts of any Admirall of the Seas; experience hath prooued the same by two notable examples, worthy the obseruation.

Danger to vse another mans marke, &c.

In the yeare 1586 or thereabouts, *Robert* Lord Dudley Earle of Leicester was an Aduenturer for Barbary, where hee sent some commodities by way of commerce, vnto a certaine Factor (that did deale for diuers other Merchants) there to be sold for his account, and to make returne vnto him of the prouenue thereof in Sugar and other commodities. The Factor hauing sold some of the said goods (considering the number of men of warre, which were then at the Seas, and the greatnesse of the said Earle) thought good, that all the Chests of Sugar and other commodities which he sent home to all his Masters in a certaine ship, should bee marked with the Earle of Leicesters marke, albeit the least part did appertaine vnto him; the rather for that the most part of his goods were yet vnsold in Barbarie. The ship arriuing within the Riuer of Thames, no sooner were the Letters deliuered, but the Earle laid claime to all the said goods, pretending the same to be his because of his marke: hereupon the Ciuilians were of his side for the point of Law, and the Merchants were compelled to make their best compositions with him, as they could agree; and the Earle lost nothing thereby howsoeuer they sped.

The Beare and Ragged staffe.

In the yeare 1597 one *Iohn de Bassadonna*, the sonne of one of the Magnificoes of Venice, then resident in London, had a certaine ship which was fraighted for Lixborne, and so to goe for Venice, according as the Master thereof was bound by a Charterpartie of fraightment, and in both places to take in all such commodities and merchandises as the Merchant should lade or cause the said ship to be laden withal, and to be discharged at Venice with the vsuall conditions of Sea-lawes. This ship bearing the Venetian Flag of the Lyon of S. Marke, was well receiued and welcome at Lixborn, and euery man was willing to lade therein his goods for Venice: neuertheless some Portugalls considering the dangerous times of warre, did borrow the name of Italians and their markes also, and caused their goods to bee laden as appertaining to the said Italians, and made the Bills of lading and their Letters accordingly; other Portugals were not so prouident

The Venetian Flag.

uident, but did lade their goods in their owne names: whereupon the Maſter of the ſhip (being ſure of the one, and ſuſpicious of the other) reſolued to come (with all the ſaid goods) firſt for England, to take aduice whether this were a lawfull prize or not, and being arriued at Plimmouth, ſent vp to know the Lords of the Councell their pleaſure. So the matter came in queſtion with the ſaid *Baſſadonna*, and was referred to the Iudge of the Admiraltie, and diuers Ciuilians, where the matter of the Flag was much reſpected in regard of the Seignorie of Venice, as matter of State; and the principall goods laden and marked in the name of Italians, were adiudged cleere by the Law. But the other goods laden and marked with their owne markes, were taken for good prize. So that it behoueth all Merchants to be carefull what marke they vſe, &c.

## Chap. XXXIX.

### *Of the Buying and Selling of Commodities by Brokers, and by the Candle.*

IT is an old Prouerbe, and very true, that betweene *What will you buy? and what will you ſell?* there is twentie in the hundreth differing in the price: which is the cauſe that all Nations doe more affect to ſell their commodities with reputation by meanes of Brokers, than we doe; for that which ſeemeth to be gotten thereby, is more than double loſt another way. Beſides, that by that courſe many differences are preuented, which might ariſe betweene man and man, in their Bargaines or Verball contracts: for the teſtimony of a ſworne Broker and his booke together, is ſufficient to end the ſame. And moreouer it is many times a cauſe that Factors and Seruants deale more faithfully for their Maſters in buying or ſelling of all commodities, or in monyes by exchange, knowing their euidence is extant againſt them. Therefore no Broker ſhould be admitted vnleſſe hee were ſworne, and vpon *Affidauit* or Certificate made by ſome principall Merchants, of his ſufficiencie and behauiour, and to put ſureties for his true and good demeanour amongſt Merchants, according to the Cuſtome of London. For albeit that the common ſaying is, *That a craftie Merchant needeth no Broker:* yet it may much concerne the Common-wealth, when too much

hunting

Bills of Entries in the Custome-house.

hunting after forraine commodities may increase the price of them, and offering our home commodities to sale, may bee an occasion of vnderselling them to the generall losse comparatiuely considered, wherein (I thinke) the Billes of Entries made so generally common, by the copies deliuered to shopkeepers and others, are to be regarded. For no sooner are the goods entred in the Custome-bookes, but the copie of it is deliuered abroad for euerie man to runne vpon them.

The Venetians therefore haue an Office, called *Messataria*, consisting only of Brokers, which deale betweene man and man aduisedly; and in Spaine they are of such estimation, that they ride on horseback vpon their foot-clothes, and hauing the Inuoyces of Merchants goods, they will deale for great matters at a time, against the lading of the Fleet for Noua Espagna and the Islands of the West-Indies, to be payed partly readie money, and partly at the returne of the said Fleet; and then afterwardes let you vnderstand their Merchant: and many times they are of that meanes and credit, that for a small matter they will be bound to make the debts good, if the Merchant should faile, whereupon (as the Custome is to haue one vpon the hundreth) they will condition but double Brocadge, or lesse. Our Brokers of London take but two pence vpon the pound (which is lesse then one p *cent.*) for the sale of commodities, and to hinder one another they will take lesse; which amongst Merchants beyond the Seas, is taken to be a disorder, for they are inclined to make the Brokers good gainers. The like is done in the Faires of Frankford, where many Brokers doe resort twice in the yeare, and they keepe account of all the bargaines that they make betwene the forraine Merchants, that come thither to make their payments most by rescounter and assignation, after the manner of Bankers: For the commodities sold in one Mart, are commonly payable the next Mart, being betweene fiue and sixe moneths time one after another; wherein these Brokers are very necessarie members and instruments also to transferre Merchants Bills Obligatorie for other commodities, or to make payments thereby. The duties of the Alcaualla in Spaine, are taken vpon that consideration.

Selling by the Candle.

The selling of commodities by the Candle, is an ancient Custome beyond the Seas, only for such goods, rents vpon houses or lands, or the houses also which require a suddaine sale, after they haue beene one yeare and one day denounced by publication that they are to bee sold; to the end that if any man will lay any claime thereunto, they may come in within that time. And these sales are made vpon Fridayes in accustomed places by publike authoritie, for the better warrant of the Buyer, the manner of it is thus: There is a waxen Candle or a piece of it, set vp lighted in some place easie to be seene, and the standers by are required to make an offer for such goods, or such a house; which being made, another will offer more, as they doe in outcryes, hauing still a regard to the burning Candle: declaration is made how the payment must bee, so that hee who maketh the last offer,

offer (vpon the going out of the Candle) hath the bargaine. If it doe fall out, that there is confuſion of voyces of the offers made, whereby it cannot bee diſcerned who made the laſt offer, and the ſtanders by do differ in their iudgement of it, then the Candle is ſet vpagaine by thoſe that are in authoritie, and in like manner it is determined accordingly.

The Merchants of the Eaſt-India companie do imitate the ſame, and after publike notice giuen in writing vpon the Royall Exchange in London, That ſuch a day, ſuch and ſuch commodities will be ſold at ſuch a place; Merchants and others (knowing the great parcels of Pepper, Indico, and other commodities of Silkes, Calicoes, and ſuch like) will ioyne together to buy the ſame in ſeuerall companies, and ſo buy the ſame by the Candle, as aforeſaid, although it were a parcell of one hundreth thouſand pounds. The time for the payments is foure times ſix moneths, which is fifteene moneths in one payment, according to which (if you will pay all or part of it in readie money by way of Anticipation) you ſhall haue vſe allowed you accordingly, after the rate of ten vpon the hundreth. But their good orders require a more larger declaration.

## CHAP. XL.

### *Of buying of commodities by Condition, termed* Capiticus, *and of ſelling things vpon Caſualties.*

THe buying of commodities vpon Condition is termed by the Ciuilians *Capiticus, a capiendo*, either to refuſe or take vpon a penaltie; or ſometimes vpon a caſuall Condition. Which bargains are much vſed in the Low-countries, as alſo in France, eſpecially at Roan and Calice, where my ſelfe haue made money of Corne and Salt: and this bargaining is moſt proper for ſuch and the like commodities, the price whereof doth quickly riſe or fall, and are alſo commodious when a mans money is not ſo readie, to buy much, and to make a great imployment with little money, which happeneth vpon ſome ſoden aduice many times vnexpected, whereupon men are verie hot either to buy or ſell: which is much vſed in Flanders in buying of Herrings before they be catched, by *(ſtelle gels)* as they call it, that

is

is by a ſumme of money agreed vpon to be paied, if the partie doe repent himſelfe of the bargaine, wherein he taketh a time of one moneth or two to be aduiſed according to the occaſions and probabilities of the ſucceſſe.

To diſburſe or offer fiftie pounds vpon fiftie Laſt of Herrings with ſix weekes reſpit vpon the condition after twentie pound were equal nineteene and twentie one, and without reſpit of time preſently to ſay to be deliuered at three moneths, the fiftie Laſt at twenty pound amounteth to 1000 ℔, you aduance the intereſt, warehouſe-hire, charges, lackage, beſides the commoditie that you haue bought with the money a bargaine of fiftie Laſt, when it would pay but 2 ½ Laſt, vpon condition to take or leaue.

One hundreth pounds deliuered out to pay the firſt yeare one pound, the ſecond yeare two pounds, increaſing euerie yeare one pound, amounteth in fifteene yeares to 128 pounds, in twentie yeares 210 ℔, to the 20 adde one, multiplie with ½ of 1 to 20 is 10, and ſo of all other augmenting, be it of 1, 2, 6, 8, &c.

The Conditions are diuers: The certainetie of the money which you do aduenture to loſſe, being well conſidered of, may turne you to gain, eſpecially in places bordering vpon the ſeas or riuers, to ſerue the In-land people, as Calice, Dunkerke, for Flanders, Henault, Arthois, and other prouinces. The like might be practiſed in many coaſt townes of England. But ſtrangers are more addicted to make caſuall bargaines for buying of commodities.

For ſelling of commodities vpon caſualties, therein are we more frequent, eſpecially of things not vendible at all times, to ſell them payable vpon the returne of ſuch a voyage from Venice, Turkie, or other places, or vpon the deceaſe of ſuch a man or woman, or at a marriage day, or the firſt, ſecond, or third child, either male or female. In all which ſellings, money and wares may be ioyned together. But in deliuering money with wares at intereſt, the contract is vſurious by the law.

(***)

CHAP.

## CHAP. XLI.

### *Of diuiding of Commodities by Lots.*

ALl extreames being vicious, hath giuen me cauſe to write this exorbitant chapter, concerning the diuiſion by Lots, becauſe there are men in this age ſo preciſe (by ſome called Puritanes) that they can be well contented to buy a commoditie in companie with their neighbours, when their owne meanes and credit cannot compaſſe the ſame; but afterwards to diuide thoſe goods (by the Lot) between them, they are verie ſcrupulous, and hold it a prophane action, and they are (as they ſay) bound vnto it of neceſſitie, or elſe to take that which their partners do giue vnto them, and ſo let them caſt the Lot amongſt them, and what remaineth vpon equall diuiſion, they will rather accept of, than that any Lot ſhould be caſt for them: yet they will more fauour the Lot than the caſting of the dice, or the meaſuring by ſtrawes. To theſe weake ſtomakes thus troubled with a *Nauſea*, I would not miniſter any Cordials, Electuaries, or Potions to rid them of that diſtemperate humour; but a plaine vomit is fitteſt, the Moone being in *Aries* or *Capricorne*, which muſt be thus prepared.

As in Gods Church there neuer wanted true religion reuealed from God himſelfe, ſo amongſt heathen, and all nations, there neuer wanted meanes to acknowledge a ſoueraigne power; which cauſed them to deuiſe a certaine ſhadow of religion, by worſhipping their imaginarie gods with a kind of diuine ſeruice: the contemplation and vſe whereof, they did eſteeme to be the higheſt degree of felicitie, or *ſummum bonum*, in ſo much that (euen in their blindneſſe) they did attribute the ſucceſſe of all things to proceed from aboue, vſing (for to attaine to the knowledge of the diuine pleaſure) diuers means of Diuinations, Imprecations, Oracles, and caſting of Lots, becauſe they wanted the illumination of the moſt glorious and tranſparent Sunne of the word of God, whereby we are taught to obey the knowne will of God, and to reuerence (with admiration) his ſecret will not declared vnto vs.

Diuinations and imprecations being not accompanied with viſi-

ble and ſenſible apparitions, cauſed all Oracles to be in greater veneration: as that of *Dodona*, where *Iupiter* anſwered, ſtriking the Caldrons with a ſiluer wand: That of *Iupiter Hammon* in the confines of Ægypt: That of *Delphos*, where an old woman anſwered in Greeke verſe: That of *Latona*, and that of *Motenzuma* in America, and others. All which ceaſed, when and where the Sunne beames of the word of God did diſperce the miſtie clouds of darkneſſe, and then all was abrogated, and onely the caſting and drawing of Lots did remaine as a cuſtome of great antiquitie amongſt all nations, recorded not onely by prophane Hiſtoriographers, but alſo by diuine Prophets and Euangeliſts. To which purpoſe we may obſerue two eſpecial examples in the holie Scripture.

*Ionas* 1.7. The firſt is of *Ionas* the Prophet, who flying from the preſence of God in a Ship ſailing for Tarſis, was expoſed to a verie great tempeſt at the ſeas, endangering the ſhip and mariners to be caſt away at euerie moment; when it pleaſed God to manifeſt by the Lot drawne, or caſt by the Maſter and Mariners, That *Ionas* was the cauſe of the ſaid tempeſt.

*Luke* 23.24. *Iohn* 19.24. *Pſal.* 22.19. The ſecond is of the Lot caſt by the Souldiers, vpon the garment or coat of our Sauiour Chriſt, according to the Propheſie of *Dauid*: allotting the ſame to ſome particular perſon, according to his good will and pleaſure.

But leaſt theſe men ſhould obiect, That the aforeſaid examples are actions of the Heathens, and but mentioned in the holy Scripture; we pray them to remember, That the children of Iſrael had no other meanes propounded vnto them, to obtaine victorie againſt their enemies, by remouing the offence of the interdict or forbidden goods, but the vſe of caſting the Lot, which fell vpon *Achan*, who had hid ſome of the forbidden goods, which were to be burned according to the commandement of God, who was pleaſed that *Ioſua* ſhould find out the man by Lot, and not by Reuelation.

*Ioſhua* 7.14.

*Acts* 1.26. The Apoſtles hauing appointed *Barſabas* and *Matthias*, and prayed the Lord to ſhew them, Whether of the two ſhould ſucceed in the Miniſterie of the Apoſtleſhip, from which *Iudas* by tranſgreſſion fell, gaue forth their Lots (as the Scripture ſaith) and the Lot fell vpon *Matthias*.

*Ioſhua* 14.2. What ſhall wee ſay of the Diuiſion and Partition of Lands and Goods, when the land of Canaan by Lot was diuided amongſt the Iſraelites? And the like vſe remaineth vntill this day amongſt diuers nations. The ſaying of the Wiſe-man being true, That the Lot is caſt; but the ſucceſſe thereof is according to the prouidence of God: which cauſed him to ſpeake ſo often of Lots in his Prouerbes.

*Prouerb.* 16.33. & 1.14. & 18. 18.

*Plutarch.* The Grecians did make election of their officers by the drawing of Lots, which they called Oſtraciſme; according to which the Venetians in their rare gouernment of Ariſtocracie, do at this day vſe the like by their Ballotting; and ſo do the Ruſſians in their gouernment of

of Monarchie: So to conclude, all Nations doe continue the vſe of Drawing or Caſting of Lots in all occaſions. Wherefore, I hope, theſe preciſe men will bee hereafter more reſolute to accept of their part (of Indico in Barrels, Sugar in Cheſts, and Pepper in Bags, marked and numbred according to the goodnes) by the Lot drawne or caſt, and expect Gods bleſſings, according to the ſaying of the Wiſe-man, as aforeſaid.

Foraſmuch as in Italy and Germany, diuers commodities and manufactures are diſperſed, diſtributed, and in a maner vented, by the meanes of Lottaries which are continually extant, in publike markets and other places; I cannot omit to ſpeake hereof, as a matter appertaining to Merchants.

There are two manner of Lotaries, namely, Standing Lotaries, and Running Lotaries; the firſt limitted for a continuance of time to bee drawne at the end thereof, without intermiſſion by day and night; the latter to bee drawne daily and at all conuenient houres, when the parties will put in their money, and haue the Lot drawne inſtantly. To which end in many places of Germany, there are publike Shops and Stales, where diuers ſorts of manufactures are expoſed to be ſold, and to euery Lot there is a Prize appointed to anſwere the ſaid Lot; whereby a man hath alwayes ſome thing for his money, and many times a Prize of good value. Being therein like vnto the Tree of Fortune, which is painted with blind Fortune ſitting in the middle part of the Tree, and all manner of men, women, and children, ſtanding or lying ouer the ſaid Tree, doe receiue ſomewhat falling from it; to the one a purſe full of money, to the other a halter; to the one a golden chaine, and to the other a cutting knife: and to be briefe, to ſome good, and to ſome other euill things, as is ſeene in all worldly affaires. The Tree of Fortune.

Standing Lotaries, are ſtately and magnificent, conſiſting of Siluer, Plate, Chaines of Gold, Iewells, Cabinets, Hangings, Pictures, and other precious and curious things, fit for honourable perſons, and others of qualitie. Albeit all men are admitted to aduenture therein, which is the cauſe the Lots are commonly made of twelue pence or two ſhillings, the number whereof maketh a compleat Lotarie, fit to be drawne when the ſame is full, which muſt bee done by gathering in the money in continuance of a certaine time limitted, as aforeſaid.

The Running Lotaries are of Plate, Chaines of Gold, and other things, whereof the price is (in a manner) certaine, as alſo of moneys: and for that they are inſtantly drawne, and men willing to know their preſent fortune (as they terme it,) euerie one is inclined, that the money which they draw, they will venture againe in hope of a better, whereby their Lotaries are ſooner filled. Both theſe ſorts of Lotaries haue a Table wherein the Prizes are declared, which are valued by publike authoritie to preuent deceit and fraud, which in great Standing Lotaries is more likely to bee practiſed.

There is as many Bills made of the aduenturers, by their names or poeſies, as there are Blankes and Prizes to be drawne, anſwerable to the Tickets deliuered for the money to euerie man that is an aduenturer in the ſaid Lotaries: and all theſe Bills of names being examined by the Magiſtrates or Commiſſioners, with the Bookes of Collection for the monyes, are put into one great cloſe Basket, with a hole in the middle thereof for a man or a boy to put in his arme to draw them at the appointed time. Likewiſe all the Blankes and Prizes, with the like ſuruay of Sworne-men, are put into the like cloſe Basket, after examination of the Prizes regiſtred in the ſaid Table, which being all of one faſhion and bigneſſe, are publikely vpon a Stage mixt, toſſed, and tumbled in certaines ſheets of Canuas, before they be put in the ſaid Basket; and between the ſaid two Baskets ſitteth the Drawer, putting both his armes at one inſtant ſeuerally in euery Basket, deliuering the Bills of the names or poeſies with the right hand, and the Blankes and Prizes with the left hand, to certaine Sworne-men, which doe read the contents thereof openly to all the ſtanders by; which Drawers or perſons do change for certain hours, (for they continue both night and day vntill all be drawne out, without ſtirring of the Baskets.) Otherſome doe herein obſerue certaine houres daily, and vpon euerie diſcontinuance, they ſeale the ſaid Baskets vnder two or three Seales from time to time, proclaming all Prizes by the ſound of the Trumpet, and ſtringing ſome blew papers in the Files made of the Blankes and names: and the Prizes euerie day drawne, are the next day to bee ſeene in print, with the aſſiſtance of Officers appointed to ſee good orders obſerued in keeping the Peace, vpon all occaſions of fallings out, which might happen amongſt the vnruly multitude of mechanicall people. The Prizes are many to auoid diſcontent, which the reading of many names and anſweres in Blanke prouoketh. And commonly they do not exceed in number aboue thirtie or fortie for one; and ſo the leaſt prize being but tenne ſhillings, is proportionably three or foure to one in value or in readie money. All the Prizes haue a priuie marke or number knowne onely to ſome few perſons, to preuent the counterfeiting of euill diſpoſed perſons or officers, which are hereby eaſily diſcouered. For all the cautions and preuentions of diſhoneſt and craftie dealings are more than neceſſarie in Lotaries, the rather of the common opinion of all men, which hold it impoſſible for Lotaries to be without fraud. And here I may not conceale a great fraud committed in Standing Lotaries, when not only the Prizes are ouer-valued, or changed; but alſo when the parties of the Lotaries will ſet vp the ſame to draw men to aduenture, and take that to their aduantage, filling vp the Lotaries themſelues, and enioying the moſt Prizes by the multitude of the Lots put in by them: wherein they are like to the craftie common Out-cryer for goods ſold publikely in out-cries, by appropriating to himſelfe and his parteners (which are onely knowne to him) all ſuch good bargaines and penny-worths

Caueat in Lotaries.

as

as he hath with them contriued to bring about, or as he hath vnder-taken to put to sale for other men, vnder the colour of out-cryes, selling them (if he please) or keeping and retiring the goods into his owne hands, when hee cannot aduance them according to his will, wherein other men are ignorant. And this being a vendition, may not be omitted to bee noted in this Booke, concerning all manner of buyings and sellings; the rather, for that the aduenturer in Lotaries incurreth lesse danger, than Merchants doe in the course of Trade, especially in Assurances, when they doe aduenture one hundreth pounds for three or foure pounds from London to Barbarie, whereas for one Lot of twelue pence, he hath a possibilitie to haue allotted vnto him two or three hundreth pounds.

Fraud of goods sold by out-cryes.

Lotaries are commendable, if they be appropriated to their right vses and good intentions, *finis Coronat opus:* for this maketh them to be of continuance, pleasing and profitable, when the benefit thereof doth redound to pious workes; as for the erecting of Schooles and Vniuersities, maintenance of the poore, and of widowes and orphanes, repairation of Churches and high-wayes and ditches, for the plantation of Collonyes of people in other Countries, and building of Townes and Castles for their maintenance; as also to erect Pawne-houses to supply the necessitie of the mechanicall poore, suppressing intollerable vsurie; whereof we shall intreate in the second Part of this Booke, concerning monyes.

The right vse of Lotaries.

The Etimologie of the word Lotarie, is deriued from the word (Lot:) And albeit all Lotaries are things casuall in respect of man to whom the Lot falleth; yet in regard of the prouidence of God, they are certaine (in effect) by the said Diuine disposing of the Lot. Insomuch, that howsoeuer the words, Fortune, Chaunce, Fate, Destinie, and Casualtie, are borrowed from the Heathens; it cannot bee denied, but that (respecting the effects and operations of God towards man) they are proper distinctions of Gods Diuine Prouidence: And hence ariseth the Prouerbe, *Nemo sua sorte contentus viuit.*

(***)

## CHAP. XLII.

### *Of Associations, Monopolies, Engrossings, and Forestallings.*

Societie of the Merchants Aduenturers.

ASsociations are twofold, the one is done by publike authoritie of Princes or States, vpon Graunts made by Letters Patents, which are properly called Societies; as the Companie of Merchant Aduenturers, which are of 400 yeares standing or thereabouts, reckoning from the yeare 1248; when the said Merchants obtained priuiledges of *Iohn* Duke of Brabant, and were called the Brotherhood of Saint *Thomas Becket* of Canturburie, which were confirmed by King *Edward* the third, *Henry* the fourth, *Henrie* the fifth, *Edward* the fourth, *Henrie* the sixth, *Richard* the third, and King *Henrie* the seuenth; who gaue them the name of Merchants Aduenturers: after him also confirmed by King *Henrie* the eight, *Edward* the sixth, Queene *Marie*, Queene *Elizabeth*, and lastly, by our Soueraigne Lord King *Iames*; not without many enemies and oppositions, and most especially of late, taxing them to be Monopolizers, and vnprofitable to the common-wealth; being that all our Clothes were not dressed and dyed in England. Whereupon their Patent was for a time suspended, but afterwardes confirmed again vnto them by his Maiesties ample Proclamation. As this Societie is of ancient estimation, so is their gouernement verie commendable, and preserueth the amitie and entercourse betweene the Realme and other neighbour Princes and States, venting the best commodities of the Kingdome, yet so, that euerie man selleth freely at his pleasure without any combination or limitation, to the great honour and seruice of the State, wherein they may daily see and obserue more and more, as is heeretofore declared.

Societies of East-Indies, Virginia, &c.

The East-India Merchants are also a Societie, but their aduentures runne all into maine Stockes, and is gouerned and carried all ioyntly vpon benefit or losse. This Company beganne in the yeare 1599. So the Merchants of Turkie are a Societie. Also the Virginia and Barmuda Merchants, and diuers others, are Societies incorporated by his Maiesties Letters Patents, as aforesaid.

The

The other Aſſociation is done by and betweene Merchants of their owne authoritie, ioyning themſelues together for to deale and trade either for yeares or voyages; and this is properly called Partnerſhip, where one man doth aduenture a thouſand pounds, another fiue hundreth pounds, another three hundreth pounds, and another foure hundreth ponnds, more or leſſe, as they agree amongſt themſelues, to make a ſtocke, euerie man to haue his profit, or to beare loſſes and aduenture according to their ſeuerall ſtockes, in one or many voyages, for one or more yeares; beſides the moneyes taken vp at vſe to trade withall, proportionably according to the rates of their ſtocks by parts and portions, to be diuided into ſo many parts as they agree: wherein the conditions be diuers, which muſt be obſerued truely, and the accounts accordingly; otherwiſe all will run into a Laborinth and confuſion. And by the common Law one partner cannot proceed againſt another, and in Chauncerie the ſuits may be prolonged for the life of a man, vnleſſe the Law-Merchant be better vnderſtood; and the Auditors Office be enabled to end theſe buſineſſes with breuitie and expedition. Partnerſhip by Contract.

There is another branch of this maner of partnerſhip, which commeth to paſſe, when Factors beyond the ſeas (dealing for diuers Merchants) will ſometimes make imployment of ſeuerall mens money in one kind of commoditie to be diuided amongſt them. Here one may become a partner vnawares and vnknowne, as of late I know the like did happen in a great bargaine of Tabacco, whereupon all the partners (being ſeuen in number) are fallen out, and diuers of them are in law. This courſe (althoug vſed) is verie dangerous, eſpecially when they vſe many Factors. One Merchant ſendeth commodities to his Factor to be ſold in Spaine, and giueth order that by that meanes he ſhall prouide money for his part of the imployment of Tabacco to be made: another Merchant, he ſendeth a Letter of credit of a friend of his, that ſo much money ſhall be taken vp by exchange for Antuerpe or London, as ſhall be needfull for his part: another Merchant he cauſeth ſo much money to be made ouer to his Factor by exchange from Antuerpe, as will furniſh for his part. Two other Merchants dwelling in Spaine doe furniſh their parts there themſelues. And amongſt them all, they admit in Spaine one Factor dwelling there to buy the Tabacco, and he hath a part with them, but findeth the meanes to diſburſe no money for his part, becauſe he buyeth the ſaid parcell of Tabacco (amounting to ſome twelue thouſand ducats) and conditioned to pay a good part of it at ſix or more moneths. And the ſeuenth Merchant, he prouideth not any money, and neuerles wil haue his part, becauſe he gaue order to his Factor to take it vp by exchange for London vpon him, promiſing that he would pay the ſame here. Hereupon the bargaine and imployment of Tabacco is made, the goods receiued and ſent ouer to London, where it is diuidedly deliuered to ſome of the ſaid partners to be ſold (with one and others priuitie) for the generall account of them all, to be made Partnerſhip by imployment.

made vp amongſt them to cleere the ſaid account, and euerie man to haue his part of the benefit and profit, and likewiſe to beare ſuch loſſes as may decreaſe their profit, according to equitie and conſcience. *Interim* it happened, that the Factor who bought the ſaid Tabacco, dyed inſoluent, who did not only leaue his own part vnpaid, but a far greater ſumme, which the other two partners were faine to pay, being bound for it, in all amounting to 1300 ℔ ſterling. Now the queſtion is, How this loſſe ſhall be borne amongſt them? The firſt Merchant, he ſaieth, I did ſend commodities, and by the prouenue thereof my part was payed by him that dyed, and that dependeth vpon accounts to be cleered betweene him and the partie deceaſed: the ſecond Merchant, he ſayeth, My part was paied in readie mony in Spaine, taken vp by a Letter of Credit, and I am to beare no part of the loſſe: and ſo ſaith the third Merchant, that made ouer his money by exchaunge from Antuerpe; the two partners dwelling in Spaine, they ſay, That they haue not onely paied their parts of the Tabacco, but alſo the 1300 ℔ which were owing to the Merchant that ſold the Tabacco, and therefore they demaund much money due vnto them, and that reſteth alſo vpon account betweene the partie deceaſed and them and others. The partie deceaſed (being decaied) hath few to vndertake the adminiſtration of the eſtate: and the ſeuenth Merchant is contented to beare his part of the loſſe, ſo he may come in for his part of the gaine, and ſaith, That if the money had beene taken vpon him by exchange, hee would haue paied the ſame. But howſoeuer, he is able to proue that he had prouiſion ſufficient to pay his part, in the hands of ſome of the partners there; and for as much as he hath borne the aduenture of the ſeas of his part of the Tabacco, he claimeth his part of the gaine; for if all had beene caſt away at the ſeas, it is certaine the reſt of the partners would haue made him to beare the loſſe of his part. And thus they are all in a Dilemma, and hauing ſome of them bonds, others contracts, and ſome but accounts and papers, they know not how to make an end; and ſuch as haue more than their owne, are remiſſe enough to procure an end. I haue thought good to ſet downe this Caſe, becauſe men of vnderſtanding may iudge how it is poſſible that the common Law (by the ſtrict and peremptorie proceeding of it) can determine the ſame without the Law-Merchant, not knowing the Cuſtome of Merchants, being alſo impoſſible to direct a Iurie of twelue men in the premiſſes, wherein I am now an Arbitrator my ſelfe.

### *Deſcription of Monopolies.*

MOnopolies are ſomewhat diſpleaſing, becauſe the propertie of them is commonly to ingroſſe things to an ill end, increaſing the price therof diſorderly, drawing a general benefit to a particular, diuerting the courſe of traffick: but for as much as they are vſed now a daies,

daies, it will be conuenient to diſtinguiſh them by *Reaſonable*, *Vnreaſonable*, and *Indifferent*.

*Reaſonable*, of ſuch things and trifles as are for pleaſure, as Starch, Cards, Lute-ſtrings, Tabacco, and ſuch like.

*Vnreaſonable*, as of Fleſh, Fiſh, Butter, Cheeſe, or needfull things for the ſuſtenance of man, without which he can hardly liue ciuilly.

*Indifferent*, as of Veluets, Silkes, Sugar, Spices, and other delicacies and dainties or curioſities, indifferent to be vſed or not.

All theſe are done by publicke authoritie of Princes and States, by Letters Patents granted for terme of yeares: but Engroſſing is done by priuate perſons of their owne authoritie, which is commendable, to keepe commodities in reputation to maintaine a trade thereby: as when men of meanes do engroſſe and buy vp a commoditie, and for reaſonable gaine they ſell the ſame againe to ſhop-keepers and retailers; this is much vſed amongſt Merchants of all nations: otherwiſe when aboundance of a commoditie doth ſo much abate the price of it, that Merchants do become loſers and diſcourage d, then the trafficke and trade is thereby ouerthrowne, to the generall hurt of the common-wealth. In which reſpect it is better to pay ſomewhat more for commidities, than to haue them altogether ouer cheape, eſpecially for commodities ſeruing for the backe, and not for the bellie, which diuers times by Foreſtallers become deere. Againſt which kind of people (Regrators and others) there are verie good lawes made, which the magiſtrates are to ſee obſerued: and in France and Scotland, the Admirals of the ſeas haue an abſolute authoritie to looke vnto this inconuenience.

Engroſſing.

Foreſtalling or Foreſtallers called by the Ciuilians *Dardanarij*.

The gouernment of Norenborough in Germanie is much to bee commended, not only for the prouident care to preuent Foreſtallers, but alſo for the engroſſing or incorporating of all manufactures into their own hands to ſet the poore people continually on worke, themſelues cauſing the ſaid manufactures to be ſold at ſuch reaſonable rates, as none can make or prouide better cheape than they do, wherof aboundance is bought and ſent for the Weſt-Indies and other places, the mechanicall people are verie much cheriſhed by them, and all Artiſts are welcome vnto them, which maketh their citie populus. The Hollanders do imitate them, and ſome money of the Banke at Amſterdam is imployed therein; for the Prouerbe is to be commended, *Sceptra ſauent Artes*.

Commendable Engroſſing.

The Ciuilians haue made the Latin word *Monopolium*, borrowed from the Greek, to be leſſe vnderſtood, becauſe of their many difinitions therof, which made me to treat of Aſſociations, Monopolies, Engroſſings, and Foreſtallings, as hauing affinitie one with another, and to deſcribe them in diuided manner, as alſo to note their coherence, as followeth. For an Aſſociation, Companie, or Societie may become a Monopolie in effect; when ſome few Merchants haue the whole managing of a trade, to the hurt of a common-wealth, when other Merchants are excluded to negotiate with their ſtocks, to vent the

A Society may become a Monopolie.

A Societie may become a Monopoly.

the commodities of the realm with reputation, according to the word Μόνος, *Solus* and πωλεῖν, *Vendo*, to ſell alone. And as this is done many times by one Merchant, for one kind of commoditie (bee it Corne, Salt, Oyle, Woolles, and the like:) So may it bee done by a Societie of Merchants continually, vnder the colour of authoritie. Albeit that there be no combination to limit any certaine prices, for the ſale of commodities in the particular of one Merchant or more Merchants agreed together to buy vp a commoditie, it may bee called a foreſtalling. As one *Dardanus* did, whereof (as wee haue ſaid) the name *Dardanarij* was vſed by the ſaid Ciuilians, who define them to bee Πανπωλαι, *Qui omnia præemunt, vt carius vendant*, That foreſtall or buy vp things, to the end they ſhould ſell them dearer. Which although it bee agreeable to the practiſe, meaning, and intentions of Merchants: yet the practiſe is contrarie to the Lawes; for it would runne into diſorder, in the gouernement of a Common-wealth. In the generall, where a Societie buyeth commodities apart, and ſelleth apart, although vnder orderly gouernement, it is in the nature of ingroſſing, as the manufactures of Norenborough aforeſaid; and being done with diſcretion and good order, it can giue no cauſe of offence; but the abuſe thereof made the ſame odious, and ſo generally to bee knowne of all men; as the word Vſurie is, implying a biting.

### *Definition of a Monopoly.*

THe trueſt definition of a Monopoly therefore is, A kind of commerce in buying, ſelling, changing, or bartering, vſurped by a few, and ſometimes, but by one perſon, and foreſtalled from all others to his or their priuate gaine, and to the hurt and detriment of other men; whereby of courſe or by authoritie, the libertie of Trade is reſtrained from others, whereby the Monopoliſt is inabled to ſet a price of commodities at his pleaſure.

A Merchant of London, hauing ſent a great Ship to Zante, to lade Corrints and Wines, being there arriued; another Merchant there inhabiting, vpon knowledge hereof, cauſed all the Corrints to bee bought vp, to preuent the ſaid Merchant, and to compell him to buy the ſaid Corrints of him at deare rates, to lade the ſaid Ship, which made the Factor (appointed to lade the ſaid Ship) at his wits end: But being ingenuous hee deuiſed a courſe to diſappoint the ſaid foreſtalling Merchant, and cauſed Bills to be ſet vp in all publike places, to giue notice that the ſaid Ship was come, to take in Merchants goods for her lading, and to returne for London: which being vnderſtood by him, brought him into a ſecondarie, and to ſet all the Brokers of Zante on worke, to helpe him to ſell the ſaid Corrints againe, whereby he became a loſer. In this and the like caſes the ſaid Societies are to haue a care of preuention; otherwiſe it is the part of the Prince to looke vnto it with a politicke eye, vpon complaint to bee made, as of late yeares hath been done (when the French Merchants

did

did striue to bring new Wines first to the Market, thereby inhauncing the price of Wines in France:) it was ordered and commanded by Proclamation, That no Wines growing in France, should be sold or put to sale, before the first of December, to bee obserued euerie yeare.

The like was done heretofore by our Merchants trading Spaine, in the buying of Rotta Raisons by an order amongst them, That none should bee sold by them before the last of October: which being knowne to Merchant Strangers, made them to preoccupie the Market (they not being bound to their orders;) so that this is to be done more properly by the Kings Proclamation.

Here I call to mind my former obseruation of that royall commoditie Tinne, which aboue one hundreth yeares since, was sold for fortie shillings the hundreth, when the best Veluet was sold for ten shillings the yeard: how Merchants trading Turkie found fault with his Maiesties preemption of the said Tin, and caused the same to be abolished, to keepe the price thereof at fiftie fiue shillings the hundreth, and (bringing in Corints, Leuant Wines, Spices, and Indico, at deere rates, as they sold them) vsed all meanes to suppresse the rising thereof: which being considered of by forraine Nations, caused them to vse meanes to incorporate or ingrosse the same, whereby that commoditie came to be of more estimation and request, whereupon the said Preemption was reestablished, which hath increased the stocke of the Kingdome since that time aboue six hundreth thousand pounds, being risen to double the price, and yet but proportionable to the price of Veluets and other commodities. On the contrarie, another commoditie Minerall, namely Copperas, which was sold heretofore (when there was Letters Patents for the sole making thereof) for 10 ℔, and 12 ℔ the Tunne, whereof a great trade might haue beene made for other Countries: hath beene so ill gouerned by worke-men vnderselling one another, and for want of orderly carriage, that the same is sold vnder 3 ℔ the Tunne, and is become a meere drug out of request, by the abundance made and indiscreetly vented, bartered or exchanged. France yeelding aboundance of Salt, although one yeare more than another, suffereth not the commoditie to bee ouermuch vilified. For albeit that the subiects within the Realme doe not care how good cheap they buy the natiue commodities, because of their owne benefit; yet the Prince ought to haue a care to reduce them into trade, with a respect of the forraine commodities brought into his Kingdome. So that not onely those Letters Patents or priuiledges graunted by them, for the reward of new inuentions are necessarie: but also some directions to Companies or Societies, are (in policie) verie requisite. Vertue in a Common-wealth ought as well, and rather (in some respects) to be more rewarded, than Vice to bee punished by cutting off the malefactors.

**Preemption of Tinne.**

**Letters Patents for new inuentions.**

This is agreeable to the Common Law of the Realme, and the fun-

fundamentall Lawes of all Nations: granting the Proiectors or Inuentors, priuiledges for twentie one or more yeares, which ſome men without diſtinction of Monopolies, would haue abridged to 14, 11, or 7 yeares, wherein the thing it ſelfe ought to make the difference, vpon good conſiderations, and not to meaſure all things alike. For example, the Graunt made for the ſole importation of Spaniſh Tabacco, doth gaine and ſaue the Kingdome many thouſand pounds yearely: for Bayes, Sayes, Perpetuanoes, and the like commodities, which theſe two yeares haue beene ſold in Spaine, with fifteene vpon the hundreth loſſe, to procure money to buy the ſaid Tabacco, are now ſold to ſo much benefit, beſides the aduancement of the Plantations of Virginia and the Bermudas. But this is not proper to bee done for other commodities that are not of that nature, neither of commodities to be exported, wherein ſuch and the like conſiderations is to be had.

The Farme of Tabacco.

The generall intention of all Graunts by Letters Patents for Manufactures, hath a relation to ſet the people on worke, to recompence the inuenter of the Art or Science, and that things may (in ſome meaſure) be better cheape to the ſubiects. What ſhall we ſay then, of thoſe Graunts which make the commoditie good cheap to forraine Nations, and dearer to the ſubiects? Surely this cannot be without ſome great abuſe.

If a Keelne for the drying of Malt for all the Kingdome ouer, were inuented to bee done with Pit-coale, better cheape than with Wood fire, and more pleaſing, without the ſent of ſmoake; and that this Keelne or Keelns were placed in conuenient places, for all mens acceſſe, whereby they ſhould ſaue much charges, and haue their Mault better cheape: if heereupon Letters Patents were granted to reward the Proiector, no man of iudgement will call this a Monopoly, nor any part thereof, although the publike libertie ſeemeth thereby to be reſtrained. For take it another way, and you ſhall find it rather to be a common diſtribution than a reſtraint whenſoeuer it bringeth a generall good and commoditie to the Commonwealth.

The Statutes of the Kingdome reſtraining from the exerciſe of ſundrie Crafts all ſuch as haue not ſerued an Apprentiſhood vnto the Art which they would exerciſe, doe it to no other end but that thoſe Arts might bee brought to better perfection, and the things made, might be good and ſeruiceable for thoſe that buy and vſe them.

Some men are well contented, if a prohibition or reſtraint of a commoditie be done by Act of Parliament, and they will no manner of wayes haue called the ſame to be a Monopoly, although it be ſo in effect, when a Societie of priuate Merchants haue a priuiledge to themſelues onely to ſell certaine commodities, or to import them, and all other ſubiects are excluded, although they were neither the diſcouerers or firſt inuenters thereof. But if it be done by the Kings

Prerogatiue,

Prerogatiue, then they take it to be a kind of Monopoly. So that, if it be by a diſpenſation vpon a Penall Law, they make the ſame queſtionable; wherein neuertheleſſe the Princes wiſedome is to rule for the good of the Common-wealth.

Others would haue all things at large in the courſe of trafficke, and that there ſhould be no Societies or Corporations of Merchants for any places of trade; but that by way of partenerſhip, Merchants might aſſociate themſelues to make or enterpriſe ſome voyages, or in ſending of commodities in copartnerſhip, without regard had that innouations are dangerous, where the trade hath beene carried alwayes by Companies or Societies, whereof ſome are of great antiquitie. This is more conſiderable in the gouernements of Monarchies (and eſpecially in Iſlands) than in State or popular gouernements, where the ouerballancing of forraine commodities is not reſpected; neither the ouerabundant inhabitation of ſtrangers, which augmenteth their Cuſtomes and Impoſitions laid at pleaſure vpon their commodities; as a principall matter whereby they ſubſiſt.

Others make a difference betweene Companies or Aſſociations, dealing in a ioynt Stocke, or apart; affirming the negotiation of a ioynt Stocke to be within the compaſſe of a Monopoly: Neuertheleſſe they would be contented to tollerate the ſame, for the imployment outwards. But for the returnes homewards, they would haue a diuiſion in kind, or *ſpecies* of the commodities which they receiue; which is contrarie to the manner of the Portugalls, whoſe experience hath made apparant vnto vs, that they haue for many yeares ſold their Spices and other East-India commodities, with good order and reputation for their benefit.

And in this courſe they vſe many times other mens names, according to the Cuſtome of Merchants; as they doe alſo manage other mens affaires in their owne names: but this is done with the priuitie of the partie whoſe name is borrowed, and thought worthy to bee truſted, otherwiſe it may prooue verie dangerous, eſpecially in time of warre. Merchants vſing each others name.

Touching foreſtalling of Corne or other commodities in Markets, it is (as I haue ſaid) prouided for by Lawes; neuertheleſſe the Ciuilians haue noted, That by the Municipall Lawes of all Countries, it is not prohibited for any man to make his prouiſion of Corne, or other victualls for one whole yeare; and vpon changing of mind, to ſell the ſame againe to profit.

(***)

## Chap. XLIII.

### *Of Merchants Oppignorations.*

MErchants oppignorations are more vſed in regard of the commodiouſneſſe of it, than vpon neceſſitie, as other goods are pawned. For when a Merchant hath a Ship come home, laden with Wines, Oyles, Woad, or ſuch like commodities, and is to pay a great ſumme of money for Fraight, Cuſtome and Impoſt, hee will not willingly diſburſe more money, but will indeauour to ſell part of his commodities to pay the ſame withall: becauſe that thereby hee may auoid the payment of intereſt for money vnto others, which ſometimes hee cannot ſo readily find vpon his owne Bond alone; and if he doe, then muſt hee bee tied to take the ſame for foure or ſixe moneths, and pay that intereſt; when within one moneth he may make moneys of his own goods. Vpon conſideration whereof ſome rich Citizens that haue great houſes, and many Sellers or Ware-houſes and to let them at greater rents; haue beene contented to lend money vpon the goods brought into their Sellers and Ware-houſes, paying after the rate of tenne in the hundreth for the yeare, and when they ſell their goods they muſt pay them the ſaid money: for they do truſt Bayard in the Stable. In which regard the houſes of Commerce are very neceſſary, and other ſuch houſes that are ſpacious to receiue great quantities of commodities, where the Cuſtomes and Impoſitions are only paied by the ſale of the commodities, and you may borrow more money for little or no conſideration at all: and heereby doth a Merchant inlarge his trade, and young Merchants (hauing ſmall Stockes) find great eaſe and commoditie. You haue at Lixborne the *Alfandega*, in Seuill *A Dicana*, at Venice *Il fontego:* at Antuerp the houſe of the Eaſterlings is memorable, whereof I did deliuer the figure in print to the late Earle of Salisburie; when he cauſed the Brittaines Burſe to be builded in the Strand, and withall a proiect to build a houſe of Commerce vpon the Tower Hill, which he did like exceedingly, and proteſted that if hee had not begun that worke, hee would vndertake this proiect: which I doe here declare, in hope that ſome honourable friend to Merchants may be pleaſed to build the ſame hereafter.

Houſes of Commerce.

*Domus*

*Domus Commutationis.*

THe ſcituation of this Houſe of Commutations or Commerce, would be verie commodious vpon the Tower hill, to be made of free ſtone; the proportion almoſt ſquare, according to the ſaid Eaſterlings houſe at Antuerpe, leauing a faire ſtreet on euerie ſide: the fore part thereof towards the riuer of Thames, and the water to be brought before it, by cutting in the docke below the Tower wharfe, ſo as two ſhips of ordinarie burthen might at one time come in to diſcharge at the Cranes to be made there for the purpoſe.

The drineſſe of the ground is very fit to make great Cellars, in the middeſt a ſtately Court, and all the lower part of this houſe double Ware-houſes for commodities of great Bulke, and ouer that Galleries anſwerable to the lower part, ſet vpon ſtately Columes, full of Ware-houſes for ſmall wares of value: and ſo for a third Storie, and double Garrets for corne and ſuch like commodities, reſeruing ſome faire roomes for the entertainement of great perſonages (comming from beyond the ſeas) to feaſt them onely; alſo with a magnificent Turret, great Gates, and places with ballances and beames to weigh all ſorts of commodities.

The earth of the Cellars would ſerue to raiſe the hither part of the ditches of the Tower to make them deeper, and part of the ground leuell, fit for goodly walkes; and for the ſcouring of the docke or entrance, a Mill might be made to grind mineralls, and other things.

One part of this Houſe to ſerue the clothiers that cannot conueniently at all times ſell their clothes at Blackwel Hall, which they may remoue when they haue occaſion to vſe mony to buy neceſſarie commodities to maintaine their trade; which commodities they may haue for that money, or by way of commutation, as Woolls, Oyle, Woad, Indicoe, Cutcheneale, Allome, Copperas, or other ſuch like extant in other Ware-houſes of this Houſe, as by the Regiſter kept thereof will appeare; whereunto all Brokers ſhall reſort, and haue notice of if they will.

When the clothiers ſhall haue this commodiouſneſſe, they will increaſe their trade, and ſet more people on worke to make good clothes, according to the ſtatute, which will be more vendible in other places beyond the ſeas, to the generall aduancement of traffick, his maieſties Cuſtomes and Impoſitions, and all other dependancies thereupon.

No man is compelled to bring his commodities to this Houſe, but allured thereunto by the commodiouſneſſe and benefits thereof, becauſe of the eaſe of Ware-houſe roome and Cellaridge at eaſier rates, the commoditie of ſale or barter, the forbearing to pay Cuſtomes and Impoſts for a time, the taking vp of moneys to ſerue his turne, and the goods better aſſured than in other places.

According to the ſaid houſe of the Eaſterlings at Antuerpe, there will be 108 cellars, and double that in warehouſes, and after that ſo many garrets, in all aboue foure hundred roomes. The benefit whereof will be verie great, one with another at 10 ℔ is 4000 ℔. The benefit of weighing all commodities, and the ſelling and regiſtring of all will be much more. And all the charge of this houſe is by the computation of ſome workemen to be done for 15000 ℔, and may yeeld 10000 ℔ yearely profit, to the honour of the King, reputation of the citie of London, and welfare of the realme, and credit of Merchants.

Staples of Woolls.

Our Staple of Woolls (heretofore kept at Calice and Bridges in Flaunders) is now out of vſe, and Staple Townes are all (as it were) incorporated into London; and therefore it is to be hoped, that ſome worthie Merchants will of good affection to the Citie and State, be readie to reſolue to vndertake this building of the houſe of commerce, as a worthie monument for poſteritie, and eaſe of all traders.

*Menſa Argentaria.*

The old Romanes (when moneys were firſt made of Copper, and then Siluer, and before Golden coynes were made) had appointed a place, called *Menſa Argentaria*, where they lent moneys vpon commodities for a reaſonable conſideration, to aduance trafficke and trade, which (in compariſon of ours) was but in his infancie, and therefore to be left now to the mercie of monyed men (without other prouiſion by authoritie to ſupplie mens occaſions) ſeemeth to be impertinent, eſpecially when moneys are not plentifull.

Hauing hetherto treated of buying and ſelling, and the dependancies thereupon, now wee are to ſpeake of receiuing and paying by moneys, and of the manner of Merchants dealings therein. But this doth properly appertaine to the ſecond part of the Law-Merchant, where moneys are compared to the Soule of trafficke and commerce.

A queſtion touching *Merces Venales* for Oppignorations.

Returning therefore to the ſaid matter of Oppignorations, let vs note the queſtions of Ciuilians, Whether in the generall binding of a mans goods, wares to bee ſold (called *Merces Venales*) are compriſed, by ſaying, he bindeth his goods preſent and to come? The anſwere is, that they are bound, but yet the ſale of the ſaid goods is not hindered thereby, vnleſſe they were pawned or obliged to be in a place certaine, and named in the writing there to be extant. Alſo in *Tacita Hipotheca*, or as it were cloſe pawning, Merchants money may bee comprehended and made liable: but this is to be vnderſtood of moneys had ſome other way; for it is reaſon that the money which a man taketh vp ſhall ſerue him to expedite his affaires.

*Titulus Mandati.*

Alſo in binding of future goods, it is to be vnderſtood onely of ſuch goods as he may get during his life, and not by any of his heirs. Theſe reaſons haue a reference to trafficke, which is a generall bodie

bodie, and commodities by merchandiſing or commerce do ſupplie themſelues in their places; ſo that when ſome commodities are diſpoſed of, other commodities come into the roome thereof: and the lawes haue alwaies more regard to the generall than to the particular; inſomuch that a woman (euen for her dower) cannot arreſt her husbands goods, finding his eſtate to decay.

## CHAP. XLIIII.

### *The proceedings vſed againſt Bankrupts.*

THe mutabilitie and inconſtancie of all worldly affaires (and eſpecially of Merchants eſtates) cauſeth me to remember the ancient Dutch Prouerbe, Goods loſt, nothing loſt; Credit loſt, much loſt; Soule loſt, all loſt: for to be rich and to become poore, or to be poore and to become rich, is a matter inherent to a Merchants eſtate, and (as it were) a continuall and ſucceſſiue courſe of the volubilitie of variable blind fortune, which is admitted (according to the heathen word) for a diſtinction of Gods prouidence, as the words of Fate, Deſtinie, Chaunce, and the like are, for the better vnderſtanding of it; ſo that by the frequencie of it, Merchants haue made a great difference and diſtinction betweene a Merchant which is at a ſtay and taketh daies for the payment of his debts, or one that is broken or Bankrupt, hauing an eſpeciall regard herein for the preſeruation of credit, which is as tender as the apple of an eye: for it happeneth many times, that Merchants (hauing taken vp money at intereſt to augment their trade, and thereby doing good to their prince and countrey) ſhall receiue ſome vnexpected loſſes by warres on land, or Embargoes, or reſtraints of Princes vpon the ſeas of their ſhips and goods, or by hauing ſold their goods and merchandiſes at home at long daies of paiment, or otherwiſe by other occaſions, hauing their beſt meanes in remote places, whereby the ſaid Merchants cannot ſuddenly make paiments of ſuch moneys as they haue taken vp at intereſt, which in that *Interim* may be due, and ſo they are driuen at a ſtay, although they haue verie good eſtates: for ſome rich men (who like an Ape tied to a clogge, which thinketh that he keepeth the clog, when the clog keepeth him) are ſo tied to the clogge of their wealth, that vpon the leaſt rumours of

A dutch Prouerbe Engliſhed.

troubles and accidents happening to their debtors, they become ſuſpitious of theſe mens eſtates, and fearing to become looſers, are ſo inquiſitiue of their debtors meanes (without reaſon and diſcretion) to the great hurt and impairing of Merchants credit and reputation, that thereby they are driuen into a ſtrait vpon a ſudden, and ſo ouerthrow them (vnawares many times) to their owne hinderance and looſſe; ſo that Merchants muſt be verie prouident and carefull with whome they deale, in taking credit for moneys, and not to haue too much of their eſtate abroad; for the Prouerbe is true, That he who is fartheſt from his goods, is neereſt to his looſſe. And in this caſe, Princes haue great reaſon to interpoſe their prerogatiues for the defence of theſe Merchants perſons and goods for preuention of their ouerthrow, vntill their goods come to their hands and diſpoſing, that haue beene detained as aforeſaid.

A caueat for Merchants.

This difference and diſtinction betweene a Merchant taking daies of payment, & a Bankrupt, doth incourage men to deale honeſtly and conſcionably eſpecially with the vertuous and well diſpoſed, for *Virtus laudata creſcit*, whereby they pay euerie man his owne in time, and for the moſt part with intereſt for the forbearance of their due debts: And therefore is it, that to call this man a Bankrupt, beareth a great action by the Ciuile Law, as alſo by the Common law of the realme, which is verie careful for Merchants credits and reputation: for that Merchant which in the ſtorms of aduerſitie, ſheweth to be a good pilot, deſerueth great commendation of the care and endeuours which he vſeth to preuent the ſhip-wrecke of his reputation and credit, eſpecially with a good conſcience, which will be vnto him a continuall feaſt, although the ſeas be turbulent, for he is armed with patience, and not deſtitute of comfort: and on the contrarie, thoſe that like cowards become careleſſe of their credit, or being of an euill diſpoſition, ſeeke to defraud their creditors, and to inrich themſelues by their breaking, paying little or nothing; they do not onely deſerue a name of defamation, but ought to be met withall by ſome ſeuere puniſhment by the Law. It is not long ſince, namely in the yeare 1602, that there was a Merchant at Roan in Fraunce, who together with his ſonne and a Broker had confederated to buy great ſtore of merchandiſes vpon their credit, of purpoſe to breake and to inrich themſelues; which being knowne, made them to be apprehended, and the court of Edicts did proceed criminally againſt them as theeues to the common-wealth, whereof they were alſo conuicted, and all three of them hanged in the market place: obſeruing that the reprehenſiue Prouerbe *(Dat veniam Coruos vexat cenſura columbas)* was to be remembred, To puniſh the ſmall theft or litle theefe, and to ſuffer the great theefe to eſcape, which is vnreaſonable.

Seuere puniſhment of Bankrupts.

The Statute of Bankrupts made and prouided by our law, againſt Merchants and Citizens only, was done to a verie good intent, if it were executed accordingly, with due conſideration of the qualitie of perſons and their behauiour. But ſome can preuent the meanes of

The ſtatute againſt Bankrupts.

ſuing

ſuing forth the ſame, and ſo breake the ſtrength of it, as eaſily as a Spiders webbe, whiles plaine dealing men are laid hold of, that haue an honeſt intention to pay euerie man, according to their abilitie preſent or future, as God ſhall enable them; for *Vltra poſſe non eſt eſſe*.

But theſe well meaning men are oftentimes hindred to performe their honeſt intentions, by the hard and obſtinate dealing of ſome of their creditors, to the vtter ouerthrow of them, their wiues and children, and the generall loſſe of all the reſt of the creditors: theſe men therefore are to bee ouerruled by the Lord Chaunceller, who may compell them to bee conformable with the other creditors, according to the Cuſtomes of Merchants in other countries: and there hath beene in times paſt, during the Raigne of Queene *Elizabeth*, a Commiſſion granted vnder the great Seale of England, for the reliefe of diſtreſſed priſoners in the priſons of the Fleet and the Kings Bench; which Commiſſion, if it were renewed for the reliefe of the one and finding out of the other, would worke much charitie and contentment to the ſubiects. Howbeit to preuent theſe extreames is more commendable, for many Merchants and Shopkeepers doe flouriſh and become rich againe, if their creditors be fauourable vnto them, and doe pay euery man to the full. Therefore are the Letters of Licenſes deuiſed amongſt Merchants, which are as a Paſport for the perſons and goods of the debtors, giuen by the creditors, by way of couenant, that they ſhall not (for and during ſuch a time or terme of yeares) trouble or moleſt the perſons and goods of the ſaid debtors, nor cauſe to bee moleſted, arreſted or troubled, vpon paine and forfeiture of their ſaid debts, to be pleaded in Barre againſt them for euer, as a full paiment of the ſame.

Commiſſion for the reliefe of priſoners.

Letters of Licenſe giuen to debtors.

For the better encouragement, and to retaine men in their duties, The Cuſtome of Merchants concurring with the courſe of the Ciuile Law herein, doth make a reſtauration of credit to thoſe that pay their debts to the full, notwithſtanding their loſſes which they haue ſuſtained; and they may haue a publication made of it, by way of intimation to all men vpon the Exchange or other publike places, for a perpetuall remembrance to poſteritie, of their honeſt religious and commendable endeuours and behauiours, to the honour and credit of their houſe, kindred, or good deſcent: which is more eſpecially regarded in Spaine, where a Merchant or Cittizen being decayed in his eſtate, and hauing payed according to his abilitie, yea, although hee doth not pay at all, ſhall be freed from all arreſts and troubles touching his perſon, if he make proofe that hee is a Gentleman by birth: which extendeth ſo farre, that all Merchants Strangers may haue and inioy the like priuiledge, vpon Certificate made by any that is Ambaſſadour and agent for their countrey; who commonly will doe it vpon the verification of it, by the Heraulds or otherwiſe, which cauſeth men not to degenerate in vertuous actions, although aduerſe fortune playeth her Tragedie; which they ouercome with conſtancie and magnanimitie.

Reſtauration of credit.

A gentlemans priuiledge in Spaine.

The

The ſaid Statute againſt Bankerupts is made vpon verie great conſideration, which lieth not againſt a Gentleman; ſo that to call a decayed Gentleman, a Bankerupt, (although he haue had dealing in the world) beareth no action at the Common Law, vnleſſe hee were a Merchant or Shopkeeper, &c.

Commiſſioners for the Statute of Bankerupts.

The Commiſſioners appointed by the Lord Chanceller vnder the Great Seale to execute this Commiſſion of the Statute of Bankerupt, muſt be Councellers at the Law, ioyned with ſome Citizens or Merchants, which are to ſeize of the partie (which by the ſaid Commiſſion is proued to be a Bankerupt) all goods, debts, chattels and moueables into their hands, and to appoint one or two of the creditors to be Treaſurer of the ſame, which is afterwards to bee diſtributed by the ſaid Commiſſioners, vnto all ſuch as they ſhall find and admit to be right creditors to the partie (and with his priuitie and conſent) vpon ſuch ſpecialties, bookes, or accounts as they ſhall produce and be made apparant vnto them; which muſt bee done within foure moneths after the date of the ſaid Commiſſion. For if it bee after the foure moneths expired, they may exclude any creditor if they ſee cauſe; ſo that the ſaid diſtribution ſhall be done to thoſe only which haue beene admitted within the ſaid time, according to their ſeuerall principall ſummes due vnto them, without any intereſt for the forbearance ſince the ſpecialtie was due, or any forfeiture; howbeit charges in Law expended for the debt, ſhall be by them allowed according to their diſcretion. So likewiſe is it in the diſcretion of the Commiſſioners to admit any creditor to come in, where the partie was ſuretie for another, if that partie be likewiſe decayed. For it is vſuall for intereſt money, that two or three are bound together, and the collaterall Bonds which they giue each to other to ſaue harmeleſſe are to be conſidered, both by the ſaid commiſſioners and the creditors.

The contents of the ſaid Statute.

It is alſo prouided by the ſaid Statute, That whoſoeuer ſhall bee found to haue voluntarily yeelded to any arreſt, or his bodie to priſon, and ſo remaineth in priſon, for, and during the time of ſixe moneths, thinking by that impriſonment to free his goods, and to deceiue his creditors; againſt him may the ſaid Commiſſion bee ſued forth and executed accordingly, for hee is to bee taken for a Bankerupt according to the ſaid Statute; and if the partie bee at libertie, againſt whom the ſaid Statute of Bankerupt is taken out, the ſaid Commiſſioners may (if they ſee cauſe) commit him to priſon, and giue him ſome allowance for his maintenance. And of all their proceedings there is a Regiſter appointed, by his Maieſties Letters Patents vnder the Great Seale of England to record the ſame, vntill the Lord Chanceller doe diſſolue the ſaid Commiſſion by a *Superſedeas*.

Definition of the word Decoctor.

The Ciuilians are copious in the deſcription of this Argument, and haue attributed vnto this kind of people, the name of Decoctor, which is deriued from the word *Decoquo*, as it were to conſume the

ſub-

ſubſtance of things, by decreaſe and euaporation of boyling ouer the fire, otherwiſe called diſturbers or conſumers of other mens goods in the courſe of trafficke. Neuertheleſſe they doe obſerue great diſtinctions betweene theſe perſons, as in the Treatiſe, *De Decoctoribus*, made by *Benuenuto Straccha*, appeareth. And the Definition of Bankerupts is three manner of waies diſtinguiſhed:

Firſt, When a man becommeth inſoluent, by loſing his goods and other mens, by fortune, miſchance, and caſualtie, which man is not taken to be infamous by the Law, indeauouring to make ſatisfaction as he can.

Secondly, When a man by waſting, ſpoyling, and viciouſly giuen, conſumeth his owne and other mens goods, and hee by the Law is infamous.

Thirdly, When a man is decayed, partly by waſting and ſpoyling of his owne and other mens goods, and partly by misfortune, and accidents; and this man is taken to be infamous, if he be vicious.

Hereunto I may adde the fourth, and moſt vile perſon; who inriching himſelfe with other mens goods, breaketh without iuſt cauſe, and onely of purpoſe to deceiue men, according to the aforeſaid example of Roan. Albeit I am of opinion, that the ſaid Ciuilians haue left them out of the number to bee criminally puniſhed, as theeues to the Common-wealth, by the magiſtrats or princes authoritie, as the Banker of Florence was; who breaking for many millions of ducats, made a ſuddaine and deceitfull compoſition with his creditors for the one halfe, and did pay them in readie money: which being vnderſtood by the great Duke, hee cauſed his proceſſe to bee made inſtantly, and thereupon hee was executed alſo accordingly; which was good iuſtice, and is to be done by the Magiſtrates, and not by the creditors. As of late yeares one of Genoa in Italy did vnto a debtor of his, whom he knew went about to deceiue him for great ſummes of money; whereupon hee cauſed a Chayre to be made, and called the partie to his houſe and intreated him to ſit therein, which being made with certaine engines, did ſuddenly ſo gripe and claſpe in his ſaid debtor, that hee was compelled to pay him, or it might haue coſt him his life. True it is, that in Ruſſia a man hath leaue to beat, or to haue his debtor beaten vpon the hinder parts of the legs, if he cannot pay, and therewith is he diſcharged; which is not ſo cruell as to keepe him alwayes in priſon, and make him to indure a lingering death, wherein the vndoing of wiues and children are made partakers vniuſtly. Puniſhments of Bankrupts.

Concerning fraudulent dealers the Law is, That by making Ceſſion they ſhall not bee relieued, and may bee apprehended in the Church: whereas a free-man cannot bee arreſted or taken in the Church, but may be vnto him a place of refuge.

If hee bee found a fraudulent man by his bookes of account, then any bargaine or ſale made two or three dayes before his breaking, by goods ſold good cheape, may bee recalled and auoyded; and in like manner

manner, if he pay one man after his breaking, the ſame may be taken to be done in fraud of all the other creditors, and may be recalled for the generalitie. So goods bought by him before breaking, if they be found *in eſſe*, may be claimed by the Seller to his particular vſe and payment againe.

All coniectures of fraud may bee augmented and aggrauated againſt the fraudulent man, according to the ſaying, *Semel inuentum decies factum.*

If any man do breake in partnerſhip, the partnerſhip is *ipſo facto* diſſolued by law: but the credit of the other remaineth, paying the debts of the partnerſhip.

Alſo any commiſſion giuen by him (for the partnerſhip) is void inſtantly: howbeit, if a Factor by ignorance of his breaking, haue cauſed his commiſſion to be followed; that which is done doth bind the Maſter, and ſhall excuſe the Factor.

Suſpitious Debtors. A debtor ſuſpected by others, may be touched before moneys be due, and the creditor may attach ſome of his goods or pawns: which is the cauſe that the writ of *Latitat* out of the Kings Bench court may be ſerued vpon them to find ſureties for their apparance (at the returne of the writ) before the Iudges of the ſaid court. But the lawes in diuers countries do verie much differ in the proceedings and execution of theſe fraudulent men.

A queſtion for ſuretiſhip. Here ariſeth a queſtion, Whether a Suretie can pretend to be diſcharged, if the Creditors haue made or agreed with the Principal for a longer time of payment, and the Principall breaketh? The anſwer is, That if he knew of the new agreement of the ſaid partie for a longer time, he is liable thereunto; otherwiſe being bound as a Suretie for a time limited, he ought to be cleered at that time, or to make ſuit or demand to haue his ſatisfaction of the Principall, as alſo of the Suretie, which being neglected, doth in equitie diſcharge the ſaid Suretie: the reaſon is, becauſe if the Suretie do break at or before the time of the payment, the Creditor may demaund another Suretie in that mans place which is broken, wherin the law is verie indifferent. And this is the cauſe that diuers Lord Chauncellours of England (for moneys taken vp at intereſt vpon bonds) were of opinion, That when the ſaid moneys are continued or prolonged at intereſt, the bonds ſhould be renewed, and the counter-bonds alſo, and not to leaue the old bonds for many yeares to be vncancelled; for it doth oftentimes happen vpon occaſion of abſence of ſome of the parties, that a new bond is ſometimes ſealed, and the old not taken in, which breedeth contention; for the new bond being made, the old is void, and yet may be vncancelled, and alſo put in ſuit by ſome executor or adminiſtrator ignorant of the other new bond taken for the ſame, and paied long before: Albeit herein it ſeemeth, there is more reaſon not to make new bonds; howſoeuer diligent care muſt be had herein both by the parties and Scriueners which make the bonds.

Concerning agreements to be made between Bankrupts and their Creditors,

Creditors, there is a queſtion made, That if Creditors do agree with their Debtors for ſome part of their debts, becauſe of the Debtors loſſes and misfortunes, Whether, when the parties being become rich againe may reuoke their agreement? And the law hath determined this queſtion, That if vpon the agreement, there be an Acquitance made by the Creditor, then the ſame agrement is abſolute and cannot be reuoked, vnleſſe the Acquittance were conditionall.

Agreements to be made between a Bankrupt and his Creditors.

The greateſt number, or the greater ſumme of the Creditors being agreed with the Debtor, are bound to be conformable with the other, and to do the like with the helpe of authoritie, not onely by the Ciuile law, but alſo by the Merchants Court of Prior and Conſuls, which authoritie is alreadie noted before to bee in the Lord Chauncellor. But the difference is great betweene the greater number of the Creditors, or the greater ſumme: for a man may haue an infinite number of ſmall Creditors, or few Creditors for verie great ſummes by him owing; ſo that the greater number ſhould ouerrule the greater ſummes. It is therefore thought conuenient to follow the greater ſummes, which neuer the leſſe doth not hinder the ſmaller number to proceed vpon goods appertaining to the partie, if they can find them, if by the ſaid authoritie the whole eſtate of the Decoctor be not managed: wherupon the Bills of conformitie were of late yeares vſed in the Chauncerie, which by the Parlement *Anno* 1621 are made void, becauſe of diuers great abuſes committed in the defence of Bankrupts, who to ſhelter themſelues from the rigor of the Common-lawes, did preferre their Bills of complaint in Chauncerie, which was in the nature of a Protection, and the parties broken, became to be releeued for eaſie compoſitions with their Creditors, albeit at charges another way extraordinarie.

Bills of conformitie in Chancerie.

Now concerning fugitiue perſons (being indebted) if they be Merchants, they are taken *pro confeſſo* to be Decoctors or Bankrupts, for they in ſubſtance by their abſence denie to giue a reaſon of their loſſes to their Creditors, which they ought to do, if by fortune they are to haue good and fauourable dealing, if it ſhall appeare (that by loſſes and not by waſtfull or lewd behauiour) they came behind hand, whereby the Creditors are induced to diuide in ſome meaſure the parties goods amongſt them, as they may by the law and cuſtome of Merchants.

Fugitiue Merchants.

The ſtatute (made in the 34 yeare of King *Henrie* 8) hath well prouided againſt theſe fugitiue perſons, that a Proclamation ſhall be made againſt them, That if they doe not returne within three moneths after they ſhall haue notice of it (which by *Affidauit* muſt be certified) to preſent themſelues in ſome conuenient place to be declared, that then they ſhall be proceeded againſt, as if they were contemners of the lawes of the realme. And in the meane time (by order from the Lords of the priuie Councell, who haue authoritie to grant a warrant for the Proclamation) all ſuch reuenues of lands or goods to be ſequeſtred, and afterwards to be ſold as cauſe ſhall require

Proclamation againſt fugitiue Merchants.

require for the paiment of the Creditors, which execution hath lately beene practiſed againſt diuers, but lyeth onely againſt the kings ſubiects, but not againſt ſtrangers, nor other perſons which are not Merchants or trades-men.

All meanes of ſtrict proceeding are to be vſed againſt thoſe fugitiue Merchants, as alſo other Decoctors, and againſt them that do giue them any aide or aſſiſtance, which is not tollerated by the law: for he that will helpe them becauſe he may the ſooner recouer of him his owne payment, may be conuicted of fraud by the law, when it is found out and diſcouered; beſides that, the other Creditors may call that mony backe againe to be diſtributed amongſt them. And the *Dictio, nullo modo* is to be vnderſtood at no time, and without any reaſon of excuſe, in all other things prohibited by the law, eſpecially in this which concerneth the diſturbers of commerce, ſo much to be celebrated. And becauſe many queſtions do ariſe by the meanes of the interruption of trafficke by Bankrupts, and that (as I haue noted alreadie) the lawes in moſt countries doe differ in the proceedings againſt them: I haue therefore in this Chapter made a more ample diſcourſe, both of the Ciuile Law, the cuſtomes of the Merchants courts, and the examples and lawes of other countries, to preuent the multiplicities of caſes which might be alledged by true obſeruation of the premiſſes.

*Nullo modo*, How to be taken.

The queſtion concerning Bankers which haue their ſeuerall places or Bankes in diuers iuriſdictions, and become Bankrupt, How their Creditors ſhall be dealt withall in the diuiding of their eſtates betweene them, is worthie the obſeruation: for whereas they keepe two, three, or more Bookes of account in ſeuerall places, and therein diſtinguiſh the Creditors of their ſeuerall Bankes: The Ciuilians are of opinion for the moſt part, That the Creditors of one iuriſdiction ſhould not participate with the Creditors of another iuriſdiction, and haue put the ſame in practiſe; but the court of Merchants do vſe to take an account of the ſtate of the Bankrupt diſperſed in all countries, and diuide accordingly.

A queſtion which concerneth the eſtate of Bankers.

(***)

CHAP.

## CHAP. XLV.

### *Of Manufactures.*

HAuing ſo often inculcated that important argument, whereby true Merchants are to be carefull, That trafficke and commerce may be profitable as well to the common-wealth, as to themſelues; we may not omit to intreate of Manufactures, as an important matter to the cuſtomarie Law of Merchants, conſidering the aboundance of materials and ſtuffe which the realms of England, Scotland, and Ireland doe affoord, whereby the people may be ſet on worke to auoid idleneſſe (which is the root of all euill) moſt dangerous in countries which are populous.

Idleneſſe the roote of all euill.

Experience demonſtrateth vnto vs, how many other nations (hauing not ſtuffes of their owne, but from others) do neuertheleſſe ſet their people on worke vpon the ſtuffe and materialls of other countries, making and diſperſing the ſame into a large trade. Therefore it is conuenient to incourage all men to reward new inuentions with ſome priuiledges for a time, and not for euer, to auoid the courſe of Monopolie, and to make the benefit to the common-wealth more generall, which maketh men painefull by the radicall moiſture of gaine, whereof Merahants are to haue a conſideration ſo to reward the artificers and handy-crafts-mens labours, that they may liue by their worke, according to the Dutch Prouerbe, which themſelues vſe ſo frequently, *Leuen ende laeten leuen*, To liue and to let others liue. This is to be regarded alſo by ſtates-men, forbearing to impoſe ouer great Cuſtomes to be paied vpon commodities, whereby the people is ſet on worke both vpon goods imported and exported. It is therefore prohibited in France, that tallow be brought in, but not candles; old ſhoes, but not cobled; paper, but not cards, and the like; much more for richer wares, as ſilkes, cotton-wools, and linnen, &c.

New inuentions to be rewarded.

Liue and let liue.

The commodities which are not made at all, or but in ſmall quantitie in England, and may be practiſed, are manie, as Buckrams, Tapiſtrie, Buſtians, Cambrickes, Canuas, Cables, Babies, cloth of Gold and Siluer, Damaske, Diaper, Mather, Paper, and diuers other things; all which may bee made in time, *Quia nemo naſcitur artifex.* And herein is to be conſidered, That all other nations being carefull

to maintaine manufactures, cannot but take an offence, if any other nation will endeauour to doe all, and to exclude others, which extremitie enforceth another; as we haue found by the enterprise of the late new companie, for dressing and dying of all the white clothes in England, which caused other nations to make clothes of their owne by the woolls of other nations. For (as hath beene noted) it is contrarie to that common entercourse and mutuall course of commodities, whereof some countries are destitute, and other countries do abound, thereby supplying the barrennesse of the one, with the superfluities of the other, maintaining a friendly correspondence and familiaritie.

One extremitie enforceth another.

The Impresa, *Sceptra fœuent Artes*, may better be attributed to common-weales or popular gouernments, than vnto Monarchies or Kingdomes, because experience proueth the same vnto vs, by the great quantities made of manufactures, and dispersed by way of trade; as we haue noted by the laudable engrossing of them at Norenbourgh.

To vndersell commodities is verie dangerous.

The striuing of making commodities, and to vndersel one another, are dangerous, and preiudiciall to both parties: for by their contention they hinder each other, and bring commodities to be lesse esteemed. This is a matter of great consequence for statesmen to be taken into their serious consideration; for as the Spaniard saieth, *Quien todo lo quiere, todo lo pierde.*

Bogging of Peate and Turfe.

Setting the fishing trade apart (which causeth all sorts of poore to imploy their hands, though they want legs) let me recommend vnto you, the making and bogging of Peate and Turfe, the rather for the want of wood, which England is like to haue in progresse of time, the woods being much decayed and inhaunced in price, and Peate and Turfe may bee made seruiceable to supplie the vses of wood, and set an infinite number of people on worke. As the making of Yron, and all other mettalls made in fowndries and fineries: the boiling of mineralls, as Allome, Salt-peeter, Copperas, and the like, the burning of Brickes and Tyles, the making of Glasse, the refining of Sugar; besides the common vse for brewing, baking, dying, and other professions, and euerie man consuming wood more or lesse in his house, besides sea-coale.

Commodities by the bogging of Turfe.

And here I cannot omit to say something of the commodities which wil redound hereby to the commonwealth, namely all boggie wast grounds and quagmires (vnprofitable and dangerous for feeding of cattle and deere) shall be conuerted to profitable vses, in the making of Peate and Turfe, and (in time) with the oft dreaning of the waters, turne to firme ground and fish-ponds. It will preuent the oft drowning of deere and cattell, venturing for some grasse growing in bogs and quagmires, whereby also many of them become rotten by drinking the vnwholesome red waters thereof. All the said grounds wil be safer and pleasing for hunting and planting of woods, and the fish-ponds may be planted round about with Osiers & hazel-

wood

wood for hoopes, with diuers other profitable meanes, as in Holland: for the ſaid turffe is to bee made according to their manner, auoiding the ſulphurous ſmell, by two yeares drying of them before their vſe, and then they will in time bee vſed by moſt men which now find the ſaid turffe to bee offenſiue, as they did in the beginning when ſea-coales came to bee vſed in priuate mens houſes: if this had beene followed, the bogging of turffe had beene alreadie pleaſing and profitable.

Next let vs ſomewhat digreſſe from Manufacture, to Apifacture, (and with *Salomon* the wiſe, ſend the ſluggard to imitate the painefull and laborious Bees) for the increaſe of Hony and Waxe in England, Scotland and Ireland, and others of his Maieſties dominions: and let mans helpe ſuccour this Apifacture, if it may be ſo called, as followeth. Apifacture of Hony & Wax.

The meanes to increaſe Hony and Wax, doth properly conſiſt in the preſeruation of Bees, and the making of conuenient Skepes or Bee-hyues after a new inuention: Namely, you may make your Skepes either with Straw or Wicker of two ſorts, and to bee of two pieces, to take off at the crowne or neere the midſt of the Hyue; that when they haue gathered and filled vp their houſe, and that the roome is ſcant within then take away the vpper halfe and clap on a boord, or the bottome, or head of a pitch Barrell or tarre Barrell, or the like hauing pitch on it, caſting Mault meale, or Beane meale vpon the ſame; and then daube it well with clay about the skirts, and ſetting on with your clay mixt with ſome ſalt; and when you haue thus done, then raiſe it vp below with ſo many wreythes, as you tooke aboue for the gelding of your Hyues before, which is verie needfull to make the greater plentie and increaſe. For making your Skepes in this manner, the Hony may bee taken at all times; but eſpecially, when you doe perceiue by the lifting vp of your Skepes, that your Bees are well prouided for the Winters prouiſion, and that there bee plentie of food yet to gather, then cappe them. Take a ſtrong wyer, make it flat, and cut your combes in two, and then haue a parchment in readineſſe to follow the wyer, to keepe a ſunder the wax from cleauing, laying on your boord with pitch and meale, as aforeſaid. This to be done in Summer. The Beehyue of two pieces.

### *Preſeruation of Bees for the Climate of Great Brittaine, &c.*

1 IN March your Bees doe beginne to breed, and then they beginne to ſit, let them at that time bee ſerued twice euerie weeke, becauſe:

2 In Aprill your Bees beginne to hatch, ſerue them in hard and rugged weather, whereby they are hindred to be abroad.

3 In May is your Bee comming forth, looke to ſerue them vntill Midmay.

4 In Iune are your Bees in their ſtrength for caſting, and then there is great plentie of Flowers and Dewes for them to feed vpon.

5 In Iuly they are full of Hony, therefore cap your firſt ſwarmes, and take vp the reſt for Hony that you meane to take vp for that yere, and cap as followeth.

6 In Auguſt is the moſt breed of Bees paſt, and you may cappe likewiſe thoſe you meane to keepe ouer the yeare, I meane your old Stockes, for then they may forbeare it.

7 In September the gathering of Bees is paſt; ſtop cloſe, and if there bee any that is not cappable, leaue them and ſtop cloſe with clay and ſalt, and daube below with Cow dung as the manner is.

8 In October beginne to looke whether robbers haue ſpoiled any or not; if it be ſo that they haue, take away your Bees as in Hony time, and ſet vp your Skepes with the combes whole, to be vſed as hereafter followeth.

9 In Nouember ſtoppe vp all holes, let none paſſe in or out; but if they prooue weake, then take away your Bees from the combes, and keepe them for the ſecond and third ſwarmes after.

10 In December houſe your Bees, if they ſtand cold: and in the North, houſe all.

11 In Ianuarie turne vp your Bees, and throw in wort, and water and hony twice or thrice, but let your water be warme.

12 In Februarie ſet foorth and ſerue all them that ſtand in need, with wort and hony, or hony and water, ſo it bee warme: and then in March looke for their breeding, as is before declared.

No corrupt combes to be left, but the bad are to be taken forth in the Spring time (being in feeding) and when you haue throwne in one pinte of warme worte, and that they are ſtruggling with the clammines of the wort; then may you verie well take from them any thing that doth annoy them; which manner of dreſſing you may obſerue for many yeares during your Skepe, ſo long as they ſtand to worke new againe.

### *Neceſſarie obſeruations concerning the Premiſſes.*

FRom the middeſt of Aprill, vntill the midſt of May looke diligently to thy Bees; for then are they neere beginning to hatch, and doe ſtand in need of moſt helpe, eſpecially if the Spring be cold, and the wind holding any part of the North or Eaſt; whereby the tender buds or bloſſomes doe periſh, and the Bees are driuen to the bloſſome of Apple trees, which is their vtter ouerthrow and decay.

The poyſon of Bees.

*Helpes*

*Helpes for weake Bees at all times.*

TAke water and hony mixt together made luke warme, and throw it amongſt the combes, to the quantitie of a pinte at a time: or ſtrong wort new runne, or vnboyled wort alſo luke warme, and the ſame two or three times at the moſt; and this for the firſt Swarme.

For the ſecond and third Swarme muſt be giuen in their Hiues, to preſerue that which they haue gathered: Take Mulce, which is eight times ſo much water as hony, boyled to a quart or three pintes; ſet the ſame with diſhes in their ſhepes, laying a few ſtrawes in the diſh to keep them from drowning. Wort and figs boyled will ſerue alſo.

The ſmoake (as it were the Tabacco of Bees) wherein they delight, is Cowes or Oxen dung, ſophiſticated with ſweet wort; and the marrow of the Oxe or Cow, being well dryed: take the Shepe (which is diſeaſed) & ſet it in a meale skiffe or riddle, and then kindle a little fire with your Cowes dung; and ſet them ouer the ſmoake of the fire, and ſo ſmoake them by fits, ſcarce ſo long at euery time as you can tell tenne, and beware not to vſe this ſmoaking too oft, but as neceſſitie requireth and in gentle manner. Bees Tabacco.

The neceſſarie vſe of hony and wax, made me to obſerue the premiſſes, wiſhing, That in all Pariſhes of Great Brittaine and Ireland, all the Parſons and Vicars in Countrey Townes and Villages, were inioyned to keepe Bees for their owne benefit, and the general good, which they may doe conueniently in the Churchyards, and other places of their Gardens, and ſome of their children or ſchollers may attend the ſame.

The multiplying of Bees is eaſie without deſtroying them, and the creation of them is knowne to many, proceeding of the corruption of a Heyfar, the fleſh whereof is fit to ingender Bees, as the fleſh of Horſes for Waſpes, or that of man for Lice. And to abbreuiate, I do referre the deſirous Reader hereof to Maſter *Hill* his booke of Huſbandrie, where he ſpeaketh of Bees, with the commoditie of Hony and Wax, and of their vſes and ſeuerall profits, collected out of the beſt learned Writers, as *Plinius*, *Albertus*, *Varro*, *Columella*, *Palladius*, *Ariſtotle*, *Theophraſtus*, *Cardanus*, *Guilielmus de Conchis*, *Agrippa*, and others. Equiuocall generation of Bees.

Returning to manufacture, and to conclude this argument, many are the commodities to bee made of Silke, Wooll, Linnen, Cotton, and other Stuffes; but vaine is the conceit that would command and gouerne them all. But as we haue declared before, in the Commutation or Barter, and the vſe of them, lyeth the greateſt conſideration; and in the ſetting of people on worke to auoid Idleneſſe, the diſturber of Common-weales, which cauſeth men to make Plantations and Diſcoueries of other Countries, whereof incidently wee are now to handle ſomething, ſeeing that Merchants haue the managing thereof.

## CHAP. XLVI.

### *Of Plantations of People, and new Discoueries.*

Plantation of Colonies of people.

WHen the Common-wealth of the Empire of the Romanes grew to bee very populous, and men (idle) would haue ſtirred more commotions: Then the Plantation of Colloneys of people in other Countries was moſt neceſſarie to bee practiſed, and meanes alſo to ſet the people on worke, or to imploy them in the warres, to goueme the quieter at home. And at this day in Rome and many other places in Italy, if a man ſhall be found to liue idle and want meanes, offer is made vnto him to draw a lot for a ſumme of money, be it 30 40, 50, or a 100 ducats (as he may be reputed) to haue that money, or to become an Officer in their Gallies, where other malefactors are confined to ſerue. For vnleſſe the three Impoſtumes of the world, namely, Warres, Famine, and Peſtilence, doe purge that great Bodie; all Kingdomes and Countries become very populous, and men can hardly liue in quiet, or without danger. Merchants therefore ſeeking to diſcouer new countries, are much to bee commended and cheriſhed, and their Cuſtomes are to be obſerued as a Law permanent, which hitherto haue beene herein kept vnuiolated.

Three Impoſtumes of the world.

Plantation of Virginia and the Bermudus.

The vnfatigable induſtrie to make a compleat Plantation in Virginia, and the Iſland of Bermudus, (which hath beene verie chargeable) might haue beene farre better, if honeſt houſholders and families of ſome abilitie hath beene induced thereunto by benefit and profit at the beginning, and meere poore people and vagabonds had not beene admitted but afterwards. This inducement ſhould haue wrought in their Idea, an imaginarie common-wealth, and ought to haue beene done in this manner following.

Make choice of ſome honeſt Shoemakers likely to try aduentures and to inrich themſelues, know of them how many paire of Shoes they make yearely, whereby they liue and their families, although victualls be deare. Then let them know, that foure or fiue times ſo many ſhall be taken from them, and Leather bee deliuered them, if they will goe and inhabite in Virginia, where they ſhall haue houſes and lands for themſelues and their heires for euer, and their worke

ſhall

ſhall be taken from them, and they ſhal be duely paied, and that a certaine number onely ſhall haue this priuiledge for certaine yeares, and none others to be admitted, albeit the number of people doe increaſe, wherby they may be ſure of a certain beneficial liuing. And no doubt they wil aduenture that little they haue to inrich their means and eſtate, and perſuade their wiues and ſeruants to go with them, who may ſucceed them vpon other good conditions. The like is to be done with Taylors, Bakers, Brewers, and other handicraftes-men, and (ſo conceauing a common-wealth within themſelues) wil reſolue and encourage many that are of ſome meanes to accompanie others of ſmaller means, whereby the baſe minded will be brought to be alſo painefull and induſtrious in time, and the charge of the vndertakers will be leſſe, and more commodious to prouide the voyages with facilitie.

The like was to be put in practiſe by the Hollanders, in the Iſland of ſaint *Thomas* vnder the line: but the extreamitie of the heate of that Climate did bring a diſorder, and the attempt was giuen ouer. It is more like to be eſtabliſhed in other places: for albeit the warres in Europe will diminiſh the people, yet moſt countries are populous.

Politicians although they are much miſtaken in the number of pariſhes of ſeuerall kingdomes, yet are they not in the number of the perſons or inhabitants.

France containing by late eſtimation about 27400 pariſhes, eſteemed in 44 hundreth thouſand families, of fiue perſons to a familie (where in England ſix perſons are accounted to be in a familie) is 22 millions of perſons. *What people in France in number &c.*

England containing 9725 pariſhes, 52 ſhires, and 26 cities, is eſteemed in 28 hundreth thouſand families of ſix perſons, which maketh 16 millions, and 800 thouſand perſons.

Scotland containing aboue 4000 pariſhes, is eſteemed to haue about 1500 thouſand perſons or families of ſix perſons, is nine millions of perſons.

Ireland containing 5500 pariſhes, was eſteemed not to containe the two third parts of Scotland, which is now much increaſed.

The prouince of Flanders (one of the 17 Netherlands) eſteemed to containe 140 thouſand families, of fiue perſons, is 700 thouſand perſons, which is more than the kingdome of Denmarke being ten times more ſpacious.

Now omitting to ſpeake of other countries, let vs obſerue that in all popular gouernments, be it an Ariſtocracie, or Democracie, the meanes to make countries populous is thought reaſonable, which in Monarchies is held to be dangerous. The concourſe of people cauſeth the greater conſumption of all things, and the reuenues are great by Impoſitions, and it giueth life to trafficke and commerce. *Too populous is dangerous in Monarchies*

The Plantation of Vlſter (one of the foure Prouinces of Ireland) is now verie great, and the meanes to ſet the people on worke are to be taken in hand, which may be done by a Corporation of Engliſh and

and Iriſh Merchants there inhabiting, and Engliſh Merchants in England to vent the ſuperfluities of the commodities of that kingdome, and to increaſe the manufacture of many needfull commodities to bee made there, the realme affording ſtuffe and materialls thereunto plentiouſly.

And here I remember a good obſeruation heretofore made touching the kingdome of Ireland, Why the ſame was not brought vnto perfect obedience to their ſoueraigne theſe 400 yeares, but vnder our moſt gratious king *Iames?* which is attributed to the miſtaking of the place of the plantation of the firſt aduenturers, that were deceiued in their choice; for they ſate downe and erected their caſtles and habitations in the plaines and open countries, where they found moſt fruitfull and profitable lands, & turned the Iriſh into the woods and mountaines, which, as they were proper places for Outlawes and Theeues, ſo were they their naturall caſtles and fortifications: thither they draue their preys and ſtealths; they lurked there, & waited to do euill and miſchiefe; for theſe places they kept vnknowne, by making the waies and entries thereunto impaſſible; there they kept their cattle, liuing by the milke of the cow, without husbandrie or tillage; there they increaſed and multiplyed vnto infinit numbers by promiſcuous generation among themſelues; there they made their aſſemblies and conſpiracies without diſcouerie; but they diſcouered the weakneſſe of the Engliſh dwelling in the open plaines, and thereupon made their ſallies and retraits with great aduantage. Whereas on the other ſide, if the Engliſh had builded their caſtles and townes in thoſe places of faſtnes, & had driuen the Iriſh into the plaines and open countries, where they might haue had an eye and obſeruation vpon them, the Iriſh had beene eaſily kept in order, and in ſhort time reclaimed from their wildneſſe, and would haue vſed tillage, and by dwelling together in townes learned mechanicall Arts and Sciences. This diſcourſe may ſeeme ſtrange to the Law of Merchants: but when Merchants vndertake Plantations (as we ſee they do) no man will hold the ſame to be impertinent.

Fit places for plantation to be conſidered of.

And for as much as diuers Mathematicians heretofore haue according to thoſe diſcoueries made their maps, and vpon good probabilitie affirmed and ſet downe *Terra Auſtralis incognita*, whereof diſcouerie hath beene made in the yeare 1615 by *Ferdinand de Quir*, a Spaniſh Captaine; let vs conſider, that many other countries may alſo be found out: albeit this containeth a fifth part of the world, for (as he ſaieth to *Philip* the third, late king of Spaine) the length thereof is as great as all Europe, and Aſia the leſſe, vnto the ſea of Bachu, Perſia, and all the Iſles, as well of the Ocean, as of the Mediterranean ſea, taking England and Iſland into this account; ſeated within *Zona Torrida*, and a great part thereof reacheth vnto the Equinoctiall Circle, eleuated vnto them to 90 degrees aboue the Horizon, and in ſome places a little leſſe.

The diſcouerie of the Southerne countries called *Terra Auſtralis.*

There they liue without Kings or Lawes, and know no neighbour-

hood

either of Turkes or Moores; and according to this maner of life (although they want Yron and Guns) they haue not need of any thing. But they abound with many excellent commodities, whereof the Spaniards will in time make vse, especially if they be more assured of Gold there to be found, as in part they are of Siluer and Pearles; for these are the three most pretious darlings that lie and are cherrished in the bosome of Nature. To say nothing of Spices and Drugs whereof they abound, with many other commodities, by the said Captaine declared.

And here we may not omit to remember, That it is not enough to discouer countries, and leaue them without plantation, or at the least neglect the vse of them, if Merchants do giue ouer their enterprises: But it is the part of Princes to see plantations made, for two maine reasons, That is, to conuert the inhabitants or neighbours to Christianitie; and, to the end such temporal blessings may be enioyed as the land and seas do affoord: most requisit to be done in the Island of New-found-land, bordering vpon the coast of America, from which it is diuided by the sea, so far distant as England is from the neerest part of Fraunce, and lyeth betweene 46 and 53 degrees North latitude, as Captaine *Richard Whitbourne* hath verie well declared in his discouerie, affirming the spaciousnesse thereof to be almost as Ireland: and therein he hath noted many disorderly courses committed by some Traders and fishing Merchants, in serting forth to the New-found-land, which are worthie the obseruation and knowledge of Merchants, because that the like errors may not be committed in other voyages, which by this good aduice may be preuented or reformed.

True causes to make plantations.

It is well knowne, saieth he, That they which aduenture to New-found-land a fishing, beginne to dresse and prouide their ships readie commonly in the moneths of December, Ianuarie, and Februarie, and are readie to set forth at sea in those voyages neere the end of Februarie, being commonly the fowlest time in the yeare: and thus they do, striuing to be there first in a Harbour to obtaine the name of Admirall that yeare, and so to haue the chiefest place to make their fish on, where they may do it with greatest ease, and haue the choice of diuers necessaries in the Harbors. And thus by their hasting thither, oftentimes there comes not only dangers to themselues, but also great mischiefe and losses to many others which arriue there after the first, as it may by that which followes truely appeare.

Worthie considerations for plantation for the fishing trade.

For by the hasting forth (as now they vse) they greatly endanger themselues, being many times beaten with rough and stormie windes, and oftentimes they are thereby forced to returne backe with great losse both of mens liues and goods, as it is well knowne; so that to get the superioritie to arriue there first in an Harbour, they will beare such an ouerprest saile, and in so desperate a maner, as there are no true vnderstanding sea-men that vse the like to any place of the world. For albeit when the fogs are thicke, and the nights darke,

that

that ſometimes they cannot diſcerne the length of three ſhips in the way before them, and the yce often threatning much perill vnto them; yet on runnes the ſhip amaine ſo faſt as poſſibly ſhe may, when commonly moſt part of the companie are faſt a ſleepe, euen with extreame hazard of their liues. Thus many times both ſhips and men haue beene caſt away ſuddenly, to the vtter vndoing of many aduenturers and families.

And alſo this vntimely ſetting forth conſumeth a great quantitie of victualls that might be ſaued to better purpoſe, and it forceth them to carrie and recarrie many more men in euerie ſhip (euerie voyage) than they need, if they once take a fitter courſe.

Such Stages and Houſes that the firſt arriuers find ſtanding in any Harbors (wherein men ſet diuers neceſſaries, and alſo ſalt their fiſh) ſome men haue vſed to pull downe, or taken their pleaſures of them: by which vnfit diſorders of ſome firſt arriuers there yearely, thoſe which arriue after them are ſometimes twentie daies and more, to prouide boords and timber to fit their boats for fiſhing, and other neceſſarie roomes to ſalt and drie their fiſh on, whereby much time is loſt, and victualls conſumed to no purpoſe, and thereby alſo the voyages of the after-commers are often greatly hindered and prolonged, to the generall hurt of the common-wealth: and the mariners themſelues which commit thoſe great abuſes are thereby alſo much wronged, as themſelues may conceiue.

Wherefore if ſuch as henceforth aduenture to that countrie, take ſome better courſe in that trade of fiſhing than heretofore they haue vſed, they ſhall find the greater ſafetie of their aduentures, and much good thereby. For whereas heretofore they haue vſed to make readie their ſhips to ſaile in thoſe voyages in ſuch vnſeaſonable time of the yeare, whereby they often receiue ſuch hinderances and loſſes, they need not then to go in the ſaid voyage vntill the fiue and twentieth day of March, which is a fit time of the yeare to put forth to ſea from our coaſt to that countrie, the Winter ſtormes beginning then to ceaſe: and then any ſuch ſhip which carries in her thirtie men in euerie voyage, may well leaue ſix men there behind them, or more all the Winter ſeaſon, vntill the ſhips returne to them againe; and theſe ſix mens victuals will be ſaued and ſerue to better vſe, and thereby alſo cut off that moneths ſetting forth in thoſe voyages ſo ſoone in the yeare as now men vſe to do; and then the victualls for that moneth (which is ſo vainely, and with ſuch great danger conſumed) may well maintaine thoſe men which are left in the countrie all the Winter ſeaſon, till the ſhips returne to them againe, with a verie ſmall addition to it.

Benefits ariſing by reformation about fiſhing.

And it may be thought reaſonable, That men which will vndertake to ſettle people in New-found-land, ſhall haue this priuiledge, that in caſe he leaue there a fifth perſon (of ſuch as he carries thither in his fiſhing voyage) to inhabite, whereby thoſe men ſo left might keepe a certaine place continually for their fiſhing and drying of it, when-

Couenient priuiledges to be granted.

whensoeuer their Ship arriueth thither: then would all such as leaue people there, build strong and necessarie roomes for all purposes, and then in some necessarie houses and roomes they may put their fish when it is dryed, which fish now standeth after such time it is dryed, vntill it is shipped (which is commonly aboue two moneths) in great heapes packt vp vncouered in all the heat and raine that falleth, whereby great aboundance of good fish is spoiled yearely, and cast away for want of such necessary rooms. And for the want of such fit houses some mens voyages haue beene ouerthrowne; and then a meane place to make fish on wil be made more commodious than the best place is now, that men so dangerously and desperately runne for euerie yeare.

And thus euerie mans fishing Pinnaces may bee preserued in such perfect readinesse, against his Ship shall yearely arriue there againe; which Pinnaces are now often lost, and sometimes torne in pieces by the first arriuers there, very disorderly: and if such Pinnaces, Stages, and Houses may bee maintained and kept in such readinesse yearely, it would bee the most pleasant, profitable and commodious trade of fishing that is at this time in any part of the world.

For then euerie Ships companie might fall to fishing the verie next or second day after their arriuall, whereas now it is twentie dayes before they are fitted; and then such Ships should not need so soone to hast away from England by one moneth, at the least mens liues might be thereby much the better saued, lesse victualls wasted, and many dangers preuented. And so euerie Ship in euerie such voyage, may gaine quickely one hundred pounds, that vsually carrie in her but twentie men more than now they doe, by leauing of foure men there of twentie. And as the proportion before named holds, for leauing sixe men in New-found-land of thirtie; so the allowing of men to be made proportionably from euerie Ship, will soone raise many people to be settled in euerie harbour where our Nation vseth to fish, and in other harbours in other Countries in like manner, some Ships by this course may then quickely gaine two hundred pound, and some 300 ℔ and more, according to their greatnesse, more than they doe yearely now; and those men so left will manure land for Corne, saw boords, and fit timber to bee transported from thence, and search out for diuers commodities in the countrie, which as yet lie vndiscouered: and by such meanes the land will bee in little time fitly peopled with diuers poore handycrafts men, that may bee so commodiously carried thither with their wiues: and that no man else should appropriate to himselfe any such certaine place, and commoditie for his fishing voyage, except hee will in such manner settle a fifth part of his companie there to liue. And then such aduenturers thither will carefully prouide yearely for such as they leaue there, not onely for bread and victualls, but likewise for all necessarie tooles fit for any kind of husbandrie. And the charge thereof will yearely repay it selfe with the benefit of their labours that

An easie way for plantation.

shall

ſhall bee ſo left there, with great aduantage.

By this meanes will ſhipping increaſe, men be imployed, and two voyages may be made yearely, and much victuall ſaued: for the allowance of victuall to maintaine ſixe men to carrie them and recarrie them outwards and homewards, is ſixe Hogſheads of Beere, and ſixe hundred weight of Bread, beſides Beefe and other prouiſion: which men as they ſayle too and fro (as now they vſe) doe little good or any ſeruice at all, but peſter the Ship in which they are, with their Bread, Beere, Water, Wood, Victuall, Fiſh, Cheſts, and diuers other trumperies that euery ſuch ſixe men doe cumber the Ship withall yearely from thence, which men are to be accounted vnneceſſary perſons returning yearely from thence.

But being left in the countrey in manner aforeſaid, the places of theſe Ships which by them ſhould haue been preoccupied, may be filled vp yearely with good fiſh, and many beneficiall commodities; and the men ſo left in the countrey, will not only be free from the perils of the Seas by not returning yearely, but will liue there very pleaſantly, and (if they be induſtrious people) gaine twice as much in the abſence of the Ships, more than twelue men ſhall be able to benefit their maſters that are kept vpon Farmes, and that yearely; for the fertilitie of the ſoile is admirable, repleniſhed with ſeuerall wholeſome fruits, hearbs, flowers, and corne, yeelding great increaſe; the ſtore of Deere, of Land-fowle and Water-fowle is rare and of great conſequence; as alſo many ſorts of timber there growing, with great hope of Mines, and making of Yron and Pitch.

The fertilitie of New-found-land.

Furres may be procured not onely by taking the beaſts, but by ſetling (in proceſſe of time) a traffick with the Sauages for their Furres of Beuer, Martins, Seale, Otters, & many other things. Finally, the rocks and mountaines are good for ſeeds, rootes, and vines; and the Climate is temperate, ſeeing the greateſt part thereof lieth aboue three degrees neerer to the South than any part of England doth; which hath alſo mooued mee to write the ſaid commendations of New-found-land, by the affirmation made vnto me by the ſaid Captain, to the end all Merchants might further this intended Plantation, whereby the fiſhing trade may bee much aduanced, and the fiſh it ſelfe become more vendible, which ſhall bee prepared by the inhabitants of the perſons to be left there. For it is well approoued by all thoſe that yearely fiſh for Herrings, Cod and Ling, that Salt orderly boyled, doth much better preſerue fiſh, and keepeth more delightfuller in taſte, and better for mans bodie, than that fiſh which is preſerued with any other kind of Salt, as is now done for want of conuenient houſes to boile & prepare the ſame, yet may be done by the ſaid Plantation. But this being a matter depending thereupon, I am now to intreate of the fiſhing trade more in particular in the next Chapter, ending thus concerning Plantations, whereby Princes dominions are enlarged for their honor and benefit alſo.

Salt boyled to preſerue fiſh.

CHAP.

## Chap. XLVII.

### *Of the Fiſhing Trade.*

Some men may wonder, and not without iuſt cauſe, That this moſt important argument of Fiſhing hath not beene handled hitherto. But in truth my meaning was not to haue touched the ſame, becauſe of the neglect of it in the Kingdomes of Great Brittaine, and Ireland, where the ſame is abandoned vnto other Nations: howbeit vpon better conſideration (calling many things to mind) I found that it would haue beene a great error to paſſe ouer the ſame with ſilence, and to omit the Cuſtomes of Merchants therein, as the fundamentall cauſe of the trafficke and trade of diuers Nations, whoſe great wealth hath proceeded from the ſame. For it hath pleaſed almightie God, to extend his bleſſings herein, more than in all other things created: For when God ſaid to the earth, *Let it bring forth Trees and Plants:* and for Fowles created out of the Seas, *Let the Fowle flie in the open firmament:* and of Cattle, *Let the earth bring foorth the liuing thing according to his kind*: He ſaith of Fiſhes in a peculiar phraſe, *Let the waters bring foorth in aboundance, euery thing that hath life*; and willed them to increaſe and multiply and to fill the waters, which was the cauſe that the Prophet *Dauid*, being rauiſhed with admiration, ſaith; *O Lord, how manifold are thy workes, in wiſedome haſt thou made them all, and the earth is full of thy riches: ſo is the great and wide ſea alſo, wherein are things creeping innumerable, both ſmall and great beaſts*. The earth is full, but in the ſea are innumerable. Of the beaſts of the earth the learned haue obſerued, That there be ſcarſe 120 ſeuerall kinds, and not much more of the fowles of the ayre: but no man can reckon the ſeuerall kindes of the creatures of the ſeas, or can number any one kind. This ought to ſtirre vs vp to eſtabliſh the fiſhing trade, eſpecially for Herrings, Cod, and Ling, which tooke his originall from vs: for it is not much aboue one hundreth yeares ſince that one *Violet Stephens*, and other diſcontented Fiſhmongers departed the Realme of England, and went into Holland, to the Towne of Enchuſen, where they procured the inhabitants to fiſh for them in the ſeas, ſtreames, and dominions of Great

*Gen.1.20.21.*

*Pſal.104.*

*Scaliger, Bodin, Cardan, and others.*

Originall of the fiſhing Trade.

Brittaine: which inhabitants (vpon the deceaſe of the ſaid Engliſhmen) tooke the whole trade to themſelues, which afterwards hath beene diſperced into many other Townes, whereby the trade is ſo increaſed, that Holland and Zealand haue aboue 2000 Buſſes or Fiſhing Ships, which doe make ordinarily two or three voyages yearely, albeit their countrey is remote from our Seas; and England, Scotland and Ireland haue the fiſhing (as it were) at their doores. And ſuch is the bleſſing of almightie God, that aboue ſixe hundreth thouſand Laſts of fiſh are taken yearely in the dominions of the King of Great Brittaine onely, omitting the quantitie of fiſh taken in Denmarke Seas, Ruſſia, New-found-land, Spaine, Italy, and other dominions.

That fiſhing is lawfull, feaſible, and profitable:

And here I am to make a little abridgement of the collection of one *Tobias Gentleman*, a Fiſher-man, who made a Treatiſe touching the ſame, intituled *Englands way to win wealth, and to imploy Ships and Mariners*, proouing firſt, The lawfulneſſe of it by his Maieſties ſubiects of Great Brittaine; ſecondly, How feaſible it is for them by the exemplarie actions of other Nations, that haue nothing growing in their owne land for that vſe, but are conſtrained to fetch all out of other countries; laſtly, That the trade of fiſhing is profitable, by the ſucceſſe ſeene with the Hollanders being rich and opulent, notwithſtanding their long warres, and which themſelues doe call to be their chiefeſt trade and principall Gold-mine, whereby many thouſands of their people of trades and occupations are ſet on worke, maintained, and doe proſper, as may bee ſeene by their Proclamation annexed to the ſaid Treatiſe.

Proclamation of the States of the vnited Prouinces.

Hereupon hee ſheweth, That about Mid-may they make readie their Buſſes, and Fiſher-fleetes, and by the firſt of Iune (their Stile) they are ſeene to ſayle out of the Maſe, Texell, and the Vly, a thouſand ſayle together for to catch Herrings in the North Seas, being moſt of them ſhips of 120, or 100 tunnes, and the other 50 tunnes or thereabouts; hauing in them 24 men, and ſome 16, and 20 in euery ſhip; & they continue their courſe North-weſt and by North, vntill they arriue at the Iſle of Shotland, which is the dominion of the king of great Brittaine, and the greateſt Iſland of the Orcades, & lyeth in the height of 60 degrees of Northerly latitude. And by the 14 day of Iune (which is by their law a time limited to lay their nets) they begin to fiſh, & do neuer leaue the ſkoales of herrings, but come along amongſt them, following 500 miles in length, lading their ſhips twice or thrice before they come to Yarmouth, ſending them away by the Merchants ſhips that ſend them victuals, barrels, and more ſalt and nets if they need any; which ſhips are called Yagers, that is to ſay Hunters or Doggerbotes, and theſe ſhips do carry them, and ſell them in the Eaſt countries, ſome to Riga and Reuell, ſome to the Narue, Ruſſia, Stockholme, and all Poland, Pruſſia, Pomerland, Lituania, Statin, Lubek, and Denmarke; returning Hemp, Flax, Cordage, Cables, Iron, Corne, Soapaſhes, Wax, Wainſcot, Clapboord, Pitch, Tar, Deales,

The ſcituation of Shotland Iſle.

Places to ſell Herrings.

Deales, Hoopes, and other commodities, with plentie of money; and for France, they ſend for Burdeaux, Rochell, Nantes, Morliaix, and San Mallous, Cane in Normandie, Roan, Paris, Amiens, and all Picardie, and Calice, with the Low-countries of the Archduke of Auſtria, reconciled with the king of Spaine, returning other commodities and moneys for the prouenue of their fiſh. For by their laws all thoſe Herrings that they do catch in Yarmouth ſeas, from Bartholomew tide vntill ſaint Andrew (which are rope-ſicke) they may not bring home into Holland; and theſe they ſell vnto Yarmouth men for readie money.

Their fiſhing for Cod and Lings continually is done with ſmaller ſhips (of 40 tun burden) called Pinkes and Welboats, and all this is done with ſo good order and prouiſion, that by night and day all is ſupplyed, and the fiſh taken off inſtantly. And of mine owne knowledge, they are ſo conſtant in their fiſhing, that they are contented to haue one good yeare for fiſhing in ſeuen yeares. All fiſhermen are prouided for, and their wiues at home cannot want; for in their care, they may be compared to *Ioſeph* in Ægypt, prouiding for the time of famine. Good orders in the fiſhing trade.

They haue beſides all this (continually in the ſeaſon) another fleete of Fiſher-men (called Flyboats) which are in number ſome two hundreth or more, and theſe be at the North-Eaſt of Shotland, hauing ſmall boats with them, called Cobles, and by meanes of them Lings are taken in great aboundance, which they do not barrell, but ſplet and ſalt them in the ſhips bulke. To ſay nothing of freſh Fiſh, and other prettie obſeruations of the ſaid *Tobias Gentleman*, let vs note the commodious fiſher-townes of England, as Colcheſter, Harwich, Orford, Alborough, Donwich, Walderſwike, Sould, Yarmouth, Blackney, Wels, Linne, Boſton, and Hull by him named; whereunto I may adde Scarborough, Hartlepole, Whitby, Marske, Stockton, Gysborough, New-Caſtle, and other places in the North. And it is to be much admired, that this trade hath been ſo long neglected: howbeit ſome are of opinion, That it would hinder much to the trade of cloth, if fiſhing were entertained, eſpecially in the returne of our commodities, and that the priuiledges granted to diuers ſocieties (as the Merchants Aduenturers, Eaſt-land, and Ruſſia Merchants) ſhould be infringed therby, and ſo both trades cannot ſubſiſt together. Commodious townes for fiſhing in England. The firſt obiection to the fiſhing trade.

Others ſay, That other nations are more painefull and induſtrious than we can be, and haue more skill in the cutting, packing, and ſalting of the Fiſh; and which is more, they can ſend away their Fiſh (and pay no fraight) by their ſhips going (otherwiſe) emptie for corne and ſalt; for they pay but foure ſhillings for a Laſt, which is drinking mony. And the Hamborgers hauing heretofore imitated the Hollanders to fiſh with Buſſes for Herrings after 5 or 6 yeares triall, haue beene compelled to abandon the fiſhing, and ſuffer their ſhips to lie by the wall rotting, becauſe they found a loſſe, and that the The ſecond obiection.

Hollander did out ſell them, hauing the better and cheaper fiſh; and the like would befall England, as ſome haue alreadie found.

To theſe two obiections, The one being Domeſticke, and the other Forraine, I make this anſwere; which is referred to the iudicious reader.

Anſwere to the firſt. That the trade of cloth ſhould be hindered by the fiſhing trade, is not probable, being a diſtinct commoditie which ſerueth for the bellie, and the other for the backe, and both are ſold by vs and other nations in one or more places, and we both make our returnes homewards by commodities, money, and exchange for moneys by Bills, ſo that the difference of the perſons maketh not any ſollid argument: for if we returne commodities for commodities, and they returne moneys, we may returne both the one and the other, hauing meanes more than ſufficient to maintaine the trades, conſidering the great ſummes of money deliuered at intereſt, although the money *in ſpecie* be wanting, which by theſe meanes would be ſupplyed. And concerning the priuiledges graunted to ſeuerall ſocieties, it will bee eaſie to reconcile them by good orders to be obſerued in the fiſhing trade; wherein all men of ſeuerall companies may participate, and the generall good is alwaies to be preferred before the particular, and that ſocietie which is againſt the common good ought not to bee admitted or continued for any priuate reſpect.

Anſwere to the ſecond. To the ſecond obiection, That other nations are more painefull and induſtrious, and haue more skill in the cutting, ſalting, and packing of fiſh, and pay no fraight for the tranſportation of their fiſh: Suppoſe it be ſo as you ſay for the preſent, yet you cannot denie but that the ſame may be amended by vſe and cuſtome, ſeeing our people can endure all climates and hardineſſe as well as others, and by good orders and gaine may be allured to vndertake labour and pains, when want breedeth induſtrie, and gaine is like a ſecond life.

The managing to make fiſh more merchantable and vendible, may be learned of others in time, and for wages men will be procured that ſhall teach others; we know that the prouerbe is true, *Omne principium graue.* The like may bee ſaid touching the fraight of ſhipping, which in proceſſe of time may be had in the ſame manner, if the coaſt Townes of England were made and appropriated to bee the Ware-houſes or Magaſins for the groſſe commodities of thoſe countries where the Herrings are ſold: For the ſcituation of England is farre more commodious to ſend away the ſaid commodities for all other countries, and in diuers places at all times and ſeaſons of the yeare; when their countries are frozen for many moneths together, or want many times winde and weather to performe their voyages, which was the cauſe that the Hamburgers could not conueniently continue their fiſhing trade, as is alledged.

Hauing anſwered ſufficiently (as I hope) the two maine obiections againſt

againſt the fiſhing trade, let vs now examine the benefit of it, by the calculation made by the ſaid gentleman. Now to ſhew truely, ſaith he, what the charge of a Buſſe will be, with all her furniture, as Maſts, Sailes, Anchors, Cables, and with all her fiſhers implements and appurtenances at the firſt prouided all new, is a great charge, ſhe being betweene 30 and 40 Laſt, will coſt fiue hundreth pounds, and may continue 20 yeares with ſmall coſt and reparations: but the yearely ſlite and weare of her tackle and war-ropes, with her nets, wil coſt 80 pounds. The whole charge of a Buſſe.

And the whole charge for the keeping of her at ſea, for the whole Summer, or three voyages, for the filling of a hundred Laſt of caske or barrels.

| | ℔ |
|---|---|
| 100 Laſt of barrels | 72 |
| For ſalt 4 moneths | 88 |
| Beere 4 moneths | 42 |
| For bread 4 moneths | 21 |
| Bacon and butter | 18 |
| For peaſe and billets | 6 |
| For mens wages 4 moneths | 88 |
| | 335 |

A hundred Laſt of barrels filled and ſold at 10 pounds the Laſt, is 1000 ℔ 0 0

The charge deducted 335 0 0

Gotten 665 0 0

Here (ſaith he) plainely appeareth, that there is gotten 665 pounds in one Summer; whereof, if that you do deduct one hundreth pounds for the wearing of the ſhip, and the reparations of her nets againſt the next Summer, yet ſtill there is 565 ℔ remaining for cleere gaines by one buſſe in one yeare, rating the Herrings ſold but at ten pound the Laſt, which is commonly ſold by the Hollanders at Danske for fifteene and twentie pounds. The profit of one Buſſe.

The charge of a Pinke of eighteene or twentie Laſt, making fifteene Laſt of barrell fiſh, he accounted accordingly to coſt 260 ℔, and the prouiſion and wages to be for two moneths 57 ℔, and the Laſt ſold at 14 ℔ 8 ß, or 24 ß the barrell, there is reſting gaine for fifteeene Laſt of barrell fiſh, 158 ℔. Of a Pinke.

He hath noted moreouer, that beſides the Hollanders, the French men of Picardie haue alſo a hundreth ſaile of fiſhermen onely for Herrings, on his maieſties ſeas euerie yeare in the Summer ſeaſon, and they be almoſt like vnto Buſſes, but they haue not any gagers to come vnto them: but they do lade themſelues, and returne home twice euerie yeare, and find great profit by their making of two voyages yearely.

And hereupon he concludeth with an exhortation to all noble, worſhipfull, and wealthie ſubiects, to put too their aduenturing and helping hands for the ſpeedie launching and floating forward of this great good common-wealth buſineſſe, for the ſtrengthning of his maieſties dominions, with two principall pillars, which is, with plentie of coine brought in for fiſh and Herrings from forraine nations, Exhortation for the fiſhing trade.

and alſo for the increaſing of mariners againſt all forreine inuaſions, and for the bettering of trades, and ſetting of thouſands of poore and idle people on worke.

But now returning to the lawfulneſſe of fiſhing, wherein we are to obſerue, That albeit hunting, hawking, and fiſhing be of one kind, as ſubiect to a like law and libertie, becauſe that any wild beaſt, fowle or fiſh being once taken by any man, commonly it becommeth his owne proper by the law of nations; yet there is a difference betweene theſe three: and although hunting and hawking be almoſt euerie where lawfull, yet fiſhing is forbidden in other mens ponds, ſtankes, and lakes, as comparable vnto theft.

### *Statute Lawes of England, Scotland, and Ireland, concerning fiſhing.*

THe ſeuerall Statutes of theſe kingdomes haue eſtabliſhed good orders concerning the fiſhing trade, whereunto relation may be had, containing in ſubſtance, the ordinances to build ſhips and boats, and appointing of certaine times for fiſhing, and then onely to fiſh, vpon paines not onely of forfeitures and fines, but death alſo, according to the manner of offence made, and contempt of thoſe decrees and ordinances.

Prohibiting (for the increaſe of fiſhes) the making, ſetting and vſing of crowes, yarres, dams, ditches, tramlets, parkings, dyking in any waters where the ſea ebbes and flowes: and albeit ſome are permitted to lay nets, and to make weares, yet muſt he keep the Saturdaies ſlop, that is, to lift the ſame from Saturday in the afternoone vntill Monday. And he is to make each ſpace or meſh of his nets three ynches wide, except for taking of Smelts, and other fiſh which will neuer be bigger, and the ſame is to be ſet vpon the water, that the midſtreame may haue the ſpace of ſix foot wide, vpon paine of fiue pounds.

The priuiledges of fiſhers. And concerning the fiſhers ſafetie and priuiledges, it is prouided, That all ſhips ſayling to catch Herrings, ſhall (during the taking of them) let downe ſaile after day-light is paſt, and let their anchor fall, and keepe watch with lanterne and light vntill the day light appeare, leaſt otherwiſe the poore fiſhers ſhould be ouerrunne, and their nets broken.

It is alſo prouided, That fiſhers ſhall not hurt one another, and the meaſure of their nets are limited in length and breadth: and alſo that no drag-net be ſet before March, nor vpon deeper water than foureteene fathome.

Alſo that they ſhall be honeſt and true, and not lie to their neighbours, being asked concerning the length and depth of their ropes or tewes when they are in driuing; neither ſhall they wittingly and willingly ſuffer their tewes to ſlit and run ouer one another, vnder paine of ten pounds for euerie offence.

That till Sunne ſet on Sunday, no man lay nor hale nets or great lines,

lines, or exercise any labour, vpon paine as aforesaid.

And for the incouraging of Fishers in the North and West Isles of Scotland, there is a Statute prohibiting all exactions to bee taken of them, but onely the Kings Custome, vpon paine to be found to be a manifest oppressor. And Concerning Fishers and dealers or traffickers with fishes, it is also ordained, That not onely all fish slaine and taken neere to the coast of Scotland be brought to the market places, where the taker dwelleth, or the neerest place thereunto, but also all the fishes taken in the North, or West Isles, or Forts, to be brought directly to the townes where the Fishers dwell, to the end the countrey bee first serued and the fish offered to the market places, from which none may carrie them to packe and pile, but onely betweene the houres of eleuen and two in the afternoone, vpon paine of forfeiture of the same. In which markets it is lawfull to the Pronost and Bailifes to set downe prices, and to compell the Packer and Piler to sell againe for the need of the subiects; which being done, they may transport the remainder where they will: and if they commit any contempt, then their fish is forfeited, two parts to the King, and the third to the Magistrate. Lawes of Scotland for fishes taken.

In like manner concerning the barrelling of fishes, it is ordained that the measures prescribed of old shall bee kept, namely, each barrell of Herrings, or of white fish, to be of twelue gallons; and the barrell of Salmon of fourteene gallons, according to the measure of Hamborough, vpon paine of forfeiture, and fiue pounds to be leuied from the Cooper; and therefore hoop yrons to bee made in each towne for the triall and gaging thereof. All which concerneth the Law of Merchants, & the particular knowledge of euery one of them. Barrelling of fishes.

Let vs now remember in this place the fishing of New-found-land, and the Whale fishing, with the profit and commodities of the same, as they are obserued by the aforesaid Captaine *Whitebourne*, who affirmed vpon his owne knowledge, That the French, Biscaines, and Portugals, can make two voyages yearely to New-found-land, with 400 sayle of ships, and get thereby an incredible wealth; besides English ships, whereof he saith, That in the yeare 1615, there was 250 sayle of ships great and small, the burthens and tunnage he esteemed to bee one with another 15000 tunnes, at 60 tunnes, and 20 men and boyes to euerie one; therein were imployed aboue 5000 persons, by whose meanes there was taken by euerie ship, aboue sixe score thousand fish, and fiue tunnes of Trayne oyle, which being brought into England, France, or Spaine, and sold after the rate of foure pounds for euerie thousand of fish, and 120 fishes to the hundred, will amount to sixe score thousand pounds, which is not aboue one penny a fish. The Trayne oyle amounting to 1250 tunnes, at 12 li. amounted to 15000 pounds; so the totall sale was 135 thousand pounds, omitting to reckon the ouerprices, which were made and gotten by the sale thereof in forraine countries. The consideration (that all this and the like wealth procured by fishing, is The fishing of New-found-land.

done

done by the labour and industrie of men, with exportation of money and exchange, or other commodities to be commuted or bartred for them) is worthy the obseruation, and by the trade of it moneys are to be had plentiously, and all forraine commodities also, to the inriching of Common-weales, where many numbers of people are set on worke and relieued; as Bakers, Brewers, Coopers, Shipwreights, and Carpenters, Smiths, Netmakers, Ropemakers, Linemakers, Hookemakers, Pullymakers, and many other trades to make the necessary prouision of the fishing voyages, wherin the lame, impotent, & all poore people may haue imployment for their maintenance.

Neeessarie points to be considered touching the fishing trade.

Greene-land fishing.

Touching the Whale fishing, especially in Greene-land, for the making of Traine oyle; the same is much augmented by seuerall Nations, since that the Biscayners and Bayoneses haue taught the manner of taking of them, casting harping yrons into their vnweldie great bodies, when they are on shoare for want of water, otherwise verie nimble in the Seas: For they haue a great feeling, and their flesh is viscosite or oylie, apt for swimming, and as soone as the harping yrons haue strucken them, they runne towardes the bottome aboue a hundreth fathomes deepe, as the lines (which are fastened thereunto) will giue way. So that sometimes it will bee aboue two houres before they come vp (being ordinarily aboue twentie foot in length) and then being hoysed vp to the sterne of the ship, the flesh is pared off, and swimmeth vpon the seas, and the rumpe of the bodie is letten fall againe, and then the flesh boyled, and pressed, maketh Trayne oyle, which yeeldeth good benefit, if the voyage bee not ouercharged by expences. For preuention whereof, let vs note the proportion for the victualling of fiftie men for eight moneths, of a ship of 200 tunnes, and cast Merchants or Fishermens account accordingly, for the greater or lesser number of persons, or the longer or shorter time of victualling, more or lesse also in price, 50 men are 12 ½ Messes, being foure to a messe by distribution.

The manner of Whale ketching.

A proportion for victualling of ships.

| | ℔. | ß. | d. |
|---|---|---|---|
| Bisket a pound p day to a man, is 120 quintals, at 9 ß | 47 | 16 | 0 |
| Syder and Beere, one hogshead a day, with cask yron bound, 12 tuns at 50 ß, and 48 tuns caske, at 20 ß, more 25 tuns of Beere, at 50 ß, and 35 tuns Syder, at 50 ß is | 180 | 0 | 0 |
| Water caske new, and yron bound 10 tuns, at 45 ß | 22 | 10 | 0 |
| Beefe two pound p day, is 100 ℔ weight for three dayes a week, is in all 96 dayes, and 8500 and 3 quarters, at 26 ß the hundreth, is | 111 | 0 | 0 |
| Caske yron bound, 500 weight in a Hogshead repacked, and Salt | 12 | 0 | 0 |
| 6000 Newfoundland fish, at 4 ℔ 10 ß with the caske, is | 27 | 0 | 0 |
| 24 Bushels of Pease, 20 bushels of Oat-meale, two barrells of Oyle | 14 | 12 | 0 |
| Butter sixe firkins, Cheese ½ ℔ a day, Aquauite and vinegar | 60 | 0 | 0 |
| Candels, Platters, Chirurgeons Chests, &c. | 65 | 0 | 0 |
| | 539 | 18 | 0 |

which ſaid ſumme of 539 ℔ 18 ß, amounteth about 28 ß a man for euery moneth, beſides the ſhips fraight and mens wages, which may be agreed vpon diuerſly. And commonly the Company is permitted to haue one third, the Owners of the ſhip one third, and the Merchant or Merchandize one third: all other incident charges to bee borne accordingly betweene them, whereof Indentures of couenants are made.

Hauing reſerued to intreat of this important buſineſſe of Fiſhing, in the end of this firſt Part of *Lex Mercatoria*, concerning commodities, which are compared to the Body of Traffick, together with the Sea-lawes obſerued therein, with all other Cuſtomes of Commerce: Let vs now proceed to the Second Part, touching Moneys, being the Soule of Trafficke; which in times paſt were noted to be raiſed by the fiſhing trade (now ſo much neglected) appertaining to the Kingdoms of Great Brittaine, and Ireland, as hath beene ſhewed euen by originall Antiquitie. The correſpondence and long entercourſe between the Societie of Gold-ſmiths and Fiſhmongers alludeth hereunto: For Saint *Dunſtane* the Biſhop, termed to be the Patron of the Company of Gold-ſmiths, had no other Elixer or Philoſophers ſtone, than the Gold and Siluer, which by the benefit of fiſhing was obtained, whereby the Kingdomes Plate and Bullion was procured. For the aduancement of which fiſhing Trade, he did aduiſe, That three fiſh dayes ought to be kept in euery weeke, which cauſed alſo more abſtinence: and hence the Prouerbe came, That Saint *Dunſtane* tooke the Deuill by the noſe with his pinchers. Which Cuſtome, if it were better obſerued with vs, would proue very beneficiall to the State and Common-wealth.

The alluſion of Saint Dunſtone.

* *
*

# THE SECOND PART OF *LEX MERCATORIA*,

## or the Auncient *Law-Merchant*; concerning *Moneys*, compared to the Soule of TRAFFICKE and COMMERCE.

WEe haue alreadie compared the three Simples or Essentiall parts of Trafficke, namely Commodities, Money, and Exchange of Moneys, vnto the Bodie, Soule, and Spirit: And in our first part of *Lex Mercatoria*, treated of Commodities, as the Bodie of Trafficke, with the dependances thereupon, as being properly the causes of Commerce, with their Effects, Adiuncts, and Accidents: which methode we are now also to obserue in this second part of the Law-Merchant, concerning Moneys, compared to the Soule, which infuseth life vnto Trafficke by the meanes of Equalitie and Equitie, preuenting aduantage betweene Buyers and Sellers. And because Money is made of Mettals, wherof we haue not spoken in the Chapter of the Commodities whereby Commerce is maintained, here we are to begin with the verie originall of Mettals and Mines, as a matter worthie the knowledge of Merchants and others.

First we find, That when commodities began much to abound in the world, all manner of mettall, as Gold, Siluer, Copper, Tin, Lead and Yron grew into greater estimation, as being fit and more dureable for preseruation; and so the purest and finest Mettall most esteemed. At which time the riches of men was notwithstanding described to consist of cattel, commodities, and other moueables: and there was a commutation of commodities, as hath beene declared, which was found to be verie cumbersome, and did require much carriage of wares vp and downe from one countrie vnto another; by reason whereof Money was deuised to be coyned, to be the rule and square whereby all other things should receiue estimation and price, and (as it

*Pecuaria, non Pecuniaria.*

The beginning of Moneys.

*Publica Mensura.*

it were) become a measure whereby the price of all things might be set, to maintaine a certaine euenhood or equalitie in buying and selling; and the same to haue his standing valuation only by publicke authoritie, to the end that all things might equally passe by trade from one man to another.

*Denomination of Money.*

Concerning the denomination of Money, it is deriued of *Moneta*, which proceedeth *a monendo*, to shew you the name of the Prince; *vel nummi nota*, and consequently the price of the peece of coyne by his authoritie made, stamped, and valued.

*Pecus fuit Pecuniæ fundamentum.*

*Pecunia* is deriued a *Pecude*, of Cattell, as of Sheepe and Oxen, the figure whereof was coyned thereupon, *Nummus, a numerando, vel nomine*, of the name of the Prince stamped vpon it; and also so called, *Carolus* Guildren or Floren; so a Ducat of *Ducatus*, the name of a Duke. And in times past being called *Stipendium*, was *à stipe & pendo*, before the same was coyned with a stampe, but made and weighed, being siluer, as the Cicle of the Hebrewes.

The Romans in times past vsed copper Moneys, calling their Exchequer *Ærarium*. So in Germanie it is called *Argentarium* of the Siluer, and being kept at Strasbourgh, that citie is called Argentina. The first Siluer moneys coyned was the 484 yeare of the foundation of Rome; And the coynes of Gold was sixtie and two yeres after that. Since the foundation of Rome vntill the yeare of 1622 are 2373 yeares.

*Sterling Standerd altered in the valuation.*

The sterling Standard of the Moneys of England, was first coyned at a place, so called, by *Osbright* a Saxon King of England, aboue seuen hundreth yeares since; at which time an ounce of Siluer was diuided into twentie peeces, and so esteemed twentie pence (as who should say) so many peeces, which so continued by denomination vntill King *Henrie* the sixth his time, who (in regard of the inhancing of Moneys in forreine parts) valued the same at thirtie pence. But there was more peeces made out of the said ounce, and the former peeces went for three halfe pence vntill the time of King *Edward* the fourth, and then they were currant for two pence, and the said King did value the said ounce at fortie pence; vntill King *Henrie* the eight did value the ounce of sterling Siluer at fortie and fiue pence, and so continued vntill King *Edward* the sixth, and vntill Queene *Elizabeth* her time, and then the verie same peece, or the same penie was valued at three pence, and so did all three pences (coyned by the said Queene) weigh but a pennie weight, and the sixe pence two pennie weight, and accordingly the shilling and other peeces, which made the ounce to be valued at sixtie pence or fiue shillings; whereof twelue ounces make the pound Troy weight, which remained diuided neuertheless in twentie pennie weight; for the said ounce being still the same in weight did retaine the same name, and foure and twentie graines also for euerie pennie weight; and according to the said pound weight is the finesse of Siluer also diuided. For if it be all pure Siluer without any Copper, called Allay, it is iustly called

*The pound Troy diuided by weight.*

twelue

twelue ounces fine, becauſe that pound weighed twelue ounces, and hath no mixture in it; and ſo euerie ounce is conſequently twentie pennie weight in fineſſe, and euerie pennie weight is twentie and foure graines in fineſſe. The pound of Siluer diuided in fineſſe.

The fineſſe of Gold is twentie and foure Carrats, and euerie Carrat is foure graines in fineſſe, and was heretofore accounted two Carrats for an ounce of Siluer. And all moneys of Gold and Siluer do participate of this fineſſe, according to their ſubſtance, which maketh their ſtandards thereafter, whereby the ſterling ſtandard containeth eleuen ounces and two penie weight of fine Siluer, and eighteen pennie weight of Copper: and our Angell Gold holdeth twentie and three Carrats, three graines and one halfe, and halfe a graine of Allay, as ſhall be hereafter more amplie declared, together with the proportion betweene Gold and Siluer. Fineſſe of Gold.

Let vs now ſpeake of the properties of Moneys in the courſe of Traffieke, and make the effects thereof apparant. The properties of Moneys.

The firſt propertie is, That plentie of Money maketh generally all things deere, and ſcarcitie of Money maketh generally things good cheape: whereas particularly commodities are alſo deere or good cheape, according to plentie or ſcarcitie of the commodities themſelues, and the vſe of them. Money then (as the Bloud in the bodie) containeth the Soule which infuſeth life; for if Money be wanting, Traffieke doth decreaſe, although commodities be aboundant and good cheape: and on the contrarie, if Moneys be plentifull, Commerce increaſeth, although commodities be ſcarce, and the price thereof is thereby more aduanced. Nay by Money a trade is made for the imployment of it both at home and abroad: For thoſe countries (where things are good cheape) are deſtitute of trade, and want Moneys; and although things for the bellie are good cheape, there is leſſe benefit to be made by Merchants.

According to plentie or ſcarcitie of Money then, generally commodities become deere or good cheape, and ſo it came to paſſe of late yeares, that euerie thing is inhaunced in price by the aboundance of Bullion and Moneys (which came from the Weſt-Indies into Europe) which like vnto an Ocean, hath diuided her courſe into ſeuerall branches through all countries, and the Money it ſelfe being altered by valuation as aforeſaid, cauſed the meaſure to be made leſſer, whereby the number did increaſe to make vp the tale, being augmented by denomination from twentie to ſixtie, or of thoſe latter yeares from fortie to ſixtie. The Ocean of Moneys.

So that plentie of Money concurring herein made euetie thing deerer, and eſpecially the forreine commodities, as we haue noted before, which cauſed ſome men to be of opinion, That our Moneys ſhould be more inhaunced (as it were) ſtriuing therein to exceed other nations, wherein they are farre from the marke, for if that were done, not onely all the forreine commodities would be deerer, but alſo our home commodities, howbeit onely in name. The like Alteration of Money altereth the price of things.

would happen, if Moneys were (by allay of Copper) imbaſed, as experience hath proued in the time of King *Henrie* the eight, and of latter yeares in the realme of Ireland: ſo that we ſee the Prouerbe to be true, *That the vnknowne diſeaſe putteth out the Phyſitians eye.* The plentie of Money required, muſt be, not with a conſideration that we haue (or may ſeeme to haue) more moneys than in times paſt, but according to the preſent great quantitie and aboundance of Moneyes now found in all countries, which (in effect) haue more proportionable part thereof than England hath. Neither was Money more plentifull when an ounce of Siluer was valued but twentie pence, (iudging of Money as we do of Commodities, either deere or good cheape according to the price) for Money muſt be ſtill the meaſure, and ouerruleth the courſe of Commodities: Howbeit Exchange of Moneys, is predominant ouer Commodities and Moneys, as ſhall be declared hereafter.

**The operation of Money by the rate of Vſurie.**

The ſecond propertie of Money (proceeding from the operation of Vſurie deuiſed thereupon, whereby the meaſure is ingroſſed and alſo falſified) is, That the rate of Vſurie is become the meaſure whereby all men trade, purchaſe, build, plant, or any other waies bargaine; and conſequently all things depending vpon the premiſſes, are ruled and gouerned accordingly, as in the Chapter of Vſurie Politicke is declared, to the decreaſe of Trafficke and Trade.

**Moneys will haue ſubſtantiall value really**

The laſt propertie of Money is, to haue an internall value in ſubſtance, whereupon the Exchanges of Money are grounded; in ſo much that in countries where the tranſportation of Money is prohibited, and Merchants Strangers and others are commaunded to make their returnes in Commodities, or by Exchange; if the Moneys be baſe, or of Copper, the value in Exchange will be made accordingly, to the vtter ouerthrow of all Commerce; for Moneys will haue ſubſtantiall value.

Thus much for an Introduction concerning Moneys. Now let vs beginne from the originall of Mettalls, and ſo deſcend to the Particulars and Accidents.

***

CHAP.

## Chap. I.

### *Of the Eſſence or Exiſtence of Mettalls.*

ALl Philoſophers (by the light of Nature and long obſeruation) haue determined that the ſperme, or ſeed of all things, created of the foure Elements, doth in a ſecret manner lowre within the two Elements of Water and Earth; and that Nature doth continually worke to produce perfect things, but is hindered therein by accidentall cauſes, which are the begetters of corruption and imperfection of all things, whereby we haue varietie of things which are delectable to the ſpirit of man. Herein they obſerue the operation of the Sunne and Moone, and the other Planets and Starres in the generation of all things, which either haue a Being or Exiſtence as the Elements haue; or a Being and Life, as vegitable Trees or Plants, or a Being, Life and Senſe, as Beaſts, Birds, and other liuing creatures; or a Being, Life, Senſe and Reaſon, as Man hath, and all reaſonable creatures: which knowledge and wiſedome (no doubt) the holy Prophet *Moſes* did learne amongſt the Egyptians. But had theſe Philoſophers read the * Booke of *Moſes* of Creation and Generation, they would not haue aſcribed the guiding and conducting of all naturall things to the two Leaders, namely the Starres, and Nature. Hence it procedeth, that amongſt vegitable things (which haue a Being and Life) they reckon all mettalls, which haue their beginning from Sulphur and Mercury, *Tanquam ex patre & matre*; which meeting and concurring together in the veines of the earth, doe ingender through the heat and qualitie of the Climate by an aſſiduall concoction, according to the nature of the earth wherein they meet, which (being either good and pure, or ſtinking and corrupt) produceth the diuerſitie of the mettalls of Gold, Siluer, Copper, Tin, Lead, and Yron, in their ſeuerall natures: and hereupon they haue aſſigned them vnder their diſtinct Planets, to bee beneuolent or maleuolent; as Lead vnder *Saturne*, Tinne vnder *Iupiter*, Yron vnder *Mars*, Gold vnder *Sol*, Copper vnder *Venus*, Quickeſiluer vnder *Mercury*, and Siluer vnder *Luna*. So Mercury or Quickeſiluer is one of the ſeuen mettals, which being volatile and by his volubilitie running with euery one, is in nature as they are, either good or euill. And howſoeuer they haue placed

Vegitatiue, Senſitiue, and Rationall.

*Acts 7. 22.*

* *Geneſis.*

The Planets of Metalls

ced Tin vnder the beneuolent Planet *Iupiter*; experience hath prooued vnto vs, that Tin is the poyſon of all mettalls. Sulphur is excluded, which they ſay is of two colours, being white and corrupt in the Siluer, which therefore falleth away; but red and pure in the Gold, and therefore permanent.

Theſe diuerſities of mettalls being come to paſſe by accidentall cauſes, is the cauſe that Art (being Natures Ape by imitation) hath endeuoured to performe that wherein Nature was hindered. Whereupon *Ariſtotle* ſaith, *Facilius eſt diſtruere Accidentale, quam Eſſentiale*, So that the Accidentall being deſtroyed, the Eſſentiall remaineth, which ſhould be pure. But this cannot bee done without proiection of the Elixar or Quinteſcenſe vpon mettalls. Hence proceedeth the ſtudie of all the Philoſophers to make their miraculous Stone, which (I confeſſe) is very pleaſant, and full of expectation, when a man ſeeth the true and perfect tranſmutation of mettalls; Lead and Yron into Copper; the Ore of Lead into Quickeſiluer or *Mercurie*, with a ſmall charge to a very great profit, as it hath beene made for me, vntill the maker of it dyed within three moneths after he had made almoſt foure thouſand pound weight, as good as any naturall *Mercurie* could be, and that in ſixe weekes time.

Tranſmutation of mettalls.

To returne to our Philoſophers, concerning the Eſſence of Mettalls, they haue beene tranſcendend in the knowledge thereof, for they ſhew the generation of Sulphur and *Mercurie* in this manner.

The Eſſence of Sulphur and Mercurie.

The exhalations of the earth being cold and drie, and the vapours of the ſeas being cold and moiſt, according to their natures, aſcending and meeting in a due proportion and equalitie, and falling vpon ſome hilly or mountainous countrey, where the influence of Sunne and Moone haue a continuall operation; are the cauſe of generation, or properly from it is Sulphur and *Mercurie* ingendered, penetrating into the earth where there are veines of water, and there they congeale into Gold or Siluer, or into the Ores of Siluer, Copper, and all other mettalls, participating or holding alwaies ſome little mixture of the beſt; or being in nature better or worſe according to the ſaid accidentall cauſes. So that they doe attribute the generation to the operation of the influences of the Sunne and Moone: where the Booke of God ſheweth vs the creation of all things in heauen and earth, and the furniture thereof; The earth (being the drie part of the Globe of the world) did appeare and was made the third day, containing in it the Ores of all mettalls and mineralls; whereas the Sunne and Moone were created afterwards on the fourth day, whoſe operation was incident to the things created, but not before. In like manner (ſay they) are Diamonds, Rubies, and other precious ſtones ingendred, according to the puritie of the matter, and the portionable participation of euery element therein: if the exhalations (being ſubtile) do ſuperabound and preuaile ouer the vapours, then hereof is Sulphur ingendred; and if this ſubtile exhalation be mixed with the moiſt vapours, and wanteth decoction, as being in a very cold place,

Exhalations, and vapours, &c.

place, it becommeth Mercurie or Quickesiluer, which can indure no heat or fire at all.

The first mettall mentioned in the holy Scripture, is Gold, which was found in the riuer Pisson, running through the Garden of Eden into the countrey of Hauila, where Gold doth grow, and this was in the East: according to which obseruation, all the veynes of Mines runne from East towards West, with the course of the Sunne, as shall be more declared. *Gen. 2. 11.* Gold groweth.

To this argument appertaineth the Philosophicall studie of *Prima Materia*, to be found out by experience for the great worke of *Lapis Philosophorum*, by the operation of the Sunne, in seuen yeares; the practise whereof was made about fortie yeares since, by a Germane Doctor of Physicke, at Dansicke in the East countreys (as I haue been informed by a friend of mine, who was also a Physician) and was done in this manner, according to the bigneſſe of the bodie of the Sunne, being *166* times bigger than the whole Globe of the earth and water, making the circumference of the world; whereupon hee tooke *166* vialls or glasses, wherein hee did put, of all the Ores of mettalls and mineralls, and other things which had any affinitie with mineralls, and some of them mixed, and calcined all of them, and closing or nipping vp all the glasses by fire, he did expose them to the Sun in an eminent place, for and during the said time of seuen yeares, and found thereby (as it was reported) *Prima Materia*, which was reduced to seuen glasses; howsoeuer, it was certaine that he grew verie rich, and bought aboue one hundreth houses in that Citie before hee died: which was an occasion, that my friend (imitating him) did likewise place not farre from London seuen glasses, with calcined mettalls made of the ores of mettalls and minerals, vpon a house top against the backe of a chimney, where the repercussion of the Sunne did worke vpon them, which was admirable to behold from six moneth to six moneths, not onely by the sublimation of colours verie variable and Celestiall, but also of the rare alteration of the Stuffe, being sometimes liquid, another time drie, or part of it moist; ascending and descending, very strange to behold, as my selfe haue seene diuers times from yeare to yeare: some had beene there two, three, foure, fiue, and one almost seuen yeares, the colour whereof had been yellow, then white in the superficies, then as blacke as pitch, afterwards darke red, with Starres of Gold in the vpper part of the glasse, and at last of the colour of Oranges or Lemons, and the substance almost drie. Many were the questions betweene him and me, but hee was confident that there was the Elixar, howbeit very doubtfull that hee should neuer inioy the same, and it came so to passe, for after a long sickenesse he died of a burning Ague, and a Gentleman gaue a summe of money to his wife for that glasse, whereof I haue not heard any thing these seuen yeares. In this glasse hee would shew mee the working of this quintescence, according to the description of *Ripley*, who he was assured had the *Lapis*, and so had Friar *Bacon*, and *Norton* of

*Prima Materia, vel Mercurius Philosophorum.*

The body of the Sunne, is *166* times bigger than the whole Globe.

*Lapis Philosophorum.*

of Briſtoll. *Kelley* had by his ſaying, ſome little part to make proiection, but it was not of his owne making. The charge to make it, was little or nothing to ſpeake of, and might bee done in ſeuen moneths, if a man did begin it vpon the right day. The twelue operations of *Ripley*, he declared vnto me, were but ſix, and then it reſteth; for (ſaith he) all Philoſophers haue darkened the ſtudie of this bleſſed worke, which God hath reuealed to a few humble and charitable men. Calcination, Diſſolution, and Separation, are but one; and ſo is Coniunction and Putrifaction; likewiſe Cibation and Fermentation; then followeth Congelation; and at laſt Multiplication and Proiection, which are alſo but one. For mine owne part, ſeeing that no man can be perfect in any one Science, I hold it not amiſſe for a man to haue knowledge in moſt or in all things. For by this ſtudie of Alcumie, men may attaine to many good experiments of diſtillations Chimicall, Fire-workes, and other excellent obſeruations in Nature, which being farre from Merchants profeſſion, I hope ſhall not giue offence to the Reader of this Booke, ſeeing it is but in one Chapter (accidentally) handled. Neither will I craue pardon of the Muſes (as it were) inſinuating to the world to haue a far greater knowledge in theſe trialls or concluſions; but to ſatisfie the curioſitie of ſome, that it may be (with a gaping mouth) expect to vnderſtand ſomewhat of the Stuffe put into theſe glaſſes, I may ſay (as I was informed) That in ſome was the calcined ore of Siluer and Gold, in ſome other Mercurie calcined, and Sulphur in ſome other: Arſenike for the Ayre, Sulphur for the Fire, Mercury for Water, and Seacoale for the Earth; were put altogether, as the foure Elements. In ſome other glaſſe was Vitrioll and Orpiment, and what more I doe not now remember, concluding, That where Nature giueth abilitie, Art giueth facilitie.

*Ripleys* twelue gates.

I haue read all the Bookes of *Paracelſus*, that I could find hitherto, and in his Booke *De Tranſmutatione Rerum*, I doe find to this purpoſe the obſeruations following, concurring with my friends opinion concerning *Ripleys* 12 Diuiſions, comprized into ſixe, and the ſeuenth is the matter it ſelfe and the labour or working reſteth, wherewith I doe end this Chapter, and proceed to the ſurer ground of the Mines of Mettalls.

*Omne quod in Frigore ſoluitur, continet Ærum Spiritum ſalis, quem in ſublimatione vel diſtillatione, acquirit & aſſumit.*

*Omne quod in Frigore vel Ære ſoluitur, iterum calore, Ignis coagulatur in Pulverem vel Lapidem. Solutio verò Caloris, ſoluit omnia pinguia & omnia Sulphurea: Et quicquid calor ignis ſoluit: hoc coagulat, Frigus in maſſam, & quicquid calor coagulat, hoc ſoluit rurſus Æer & Frigor.*

Gradus ad Tranſmutationem ſunt ſeptem.

*Calcinatio, Sublimatio, Solutio, Putrifactio, Diſtillatio, Coagulatio & Tinctura.*

*Subgradus Calcinationis, comprahenduntur, Reuerberatio & Cementatio.*

*Sub Sublimatione, Exaltio, Elevatio, & Fixatio.*

Sub

*Sub Solutione, Diſſolutio & Reſolutio.*

*Sub Putrifactione, Digeſtio, & Circulatio, qui tranſmutat colores, ſeparat purum ab impuro; purum ſuperius, impurum inferius.*

*Sub Diſtillatione, Aſcenſio, Lauatio & Fixatio.*

*Coagulatio eſt duplex; vna Æris, altera Ignis.*

*Tinctura tingit totum corpus, & eſt fermentum maſſæ, farinaceæ & panis.*

*Secundum eſt, Quod calidius liqueſcunt, eo celerius, tinctura tranſcurrit, ſicut fermentum penetrat, & totam maſſam aceteſitate inficit &c.*

*Sequitur Mortificatio & Fixatio ſulphuris, & in Libro de Reſuſcitatione Rerum: Reductio metallorum in mercurium viuum.*

## Chap. II.

### *Of Mines Royall.*

THe Mines called Royall are only of Gold, Siluer, and Copper, of which three mettalls Princes made choice to make their moneys of, ſimple or mixed, as ſhall be hereafter declared. But for as much as Siluer is found in the lead Mines, and that the ſiluer Mines haue their Ores mixt with hard lead alſo, it happeneth many times, that there are great queſtions about theſe Mines, when Princes will claime their intereſt in ſome lead Mines, becauſe they are rich in ſiluer: as of late yeares betweene Queene *Elizabeth* and the Earle of Northumberland, as you may read in Maſter *Plowdens* Commentarie of Booke Caſes, where it was adiudged, That if a Mine be found richer in ſiluer of more value within the Ore, than of lead, all charges of the working of both mettalls being fully paied; the Prince may claime the ſame to be a Mine Royal: wherein muſt be had great aduiſement, ſome Ore in one place being richer than other Ore in another place of the ſame Mine, whereof we may handle in his proper place of other Mines.

Beginning therefore with Gold, the moſt precious mettall, let vs obſerue, That the ſame is found in hills, riuers, and in the earth, but not mixt in Ore, as Siluer, Copper, and other mettals. That which is found in the riuers is the fineſt, as containing leſſe corruption, and is all of one goodnes otherwiſe. There is Mayden-gold, ſo called becauſe it was neuer in the fire. Naturally all Gold hath a little Siluer in

Gold Mines.

in it, as alſo ſome Copper, and comming out of the ground it is ſoft, and doth harden by the ayre. Such Gold as hath no need to be refined, but may be vſed according to his fineſſe in workes, or to make money, is called *Aurum obriſon*: ſuch was the Gold which ſir *Beuis Bulmer* knight brought out of Scotland, found in the ſands of the riuers neere vnto the Gold Mines of Crayford-moore, which was aboue twentie and two Carrats fine, and better than the French crowne Gold. I ſaw ſome eighteene ounces of it which was in big graines, ſome like peaſe found out by the Sheepheards, by whoſe meanes that place hath beene diſcouered in the latter time of queen *Elizabeth*. Some other Gold hath beene found out alſo in Scotland within a white ſparre, wherin it groweth, neere the ſuperficies of the earth, & runneth into ſmal veyns like pins, fit to be refined by quick-ſiluer from the ſparre, becauſe it is as pure Gold as any found in Africa or Barbarie, which we call Angell Gold, holding but halfe a graine of Allay. I haue ſeene the like ſparre of Gold which was found in England in the countie of Lincolne at Brickell hill neere Spilsbie by Lincolne.

Crayford Moore in Scotland.

Brickell Hill in England.

But neither this place or any other are lookt into for the reaſons hereafter declared, being right worthie to be regarded with a curious eye, and an induſtrious vnderſtanding; and conſequently many other, whereof this Monarchie of Great Brittaine is rarely bleſſed, and eſpecially in Scotland where much barren ground is: for God in his diuine wiſdome doth counteruaile the ſaid barrenneſſe of the ſoile, with the riches contained within the bowels of the earth, as in fertile ground with the Corne and fruits growing vpon the ſuperficies thereof: which may ſerue vs for an obſeruation, eſpecially where we find riuers of water running about the hillie places in dales, which the Spaniards did ſo much regard in the Weſt-Indies, ſeeking after Mines, that in all places where they found not the ſame, they preſently gaue ouer the ſearch after them.

An obſeruation to find out any Mines.

Gold doth come out of many countries, as out of the mountaines in Bohemia, riuers of Pannonia in Hungarie, out of the kingdome of Sweaden; but it is all exhauſted. There was wont to come out of Spaine of the riuers and mountaines aboue twentie thouſand pound weight yearely, which is worth aboue eight hundreth thouſand pounds ſterling; but there is none found now. In the Iſland of Santo Domingo all is exhauſted alſo; and ſo will it be in Perou, and the Weſt-Indies: it is more like to continue in Africa and Barbarie, becauſe of the climate, albeit that Hungarie in Pannonia lyeth vnder fiftie and three degrees, and is a colder climate than ours, and neuertheleſſe hath yeelded aboundance of Gold ſince the yeare 1527, vntill the yere 1568, as by a certaine record appeareth, which was kept thereof. The King of Spaine was wont to haue from Caſtle de Mina (vpon the coaſt of Africa) aboue eightie thouſand pounds worth euerie yeare, which is now almoſt decreaſed to the one halfe: and all along that coaſt, the Hollanders and the French Merchants com-

Cold climates haue abounded with Gold.

plaine

plaine of the ſmall quantitie now extant, or there to be found, to make returne of their commodities (Hides and Waxe not being ſo plentifull as in times paſt.) Turkie is hindered alſo to haue ſuch quantitie of Gold as in times paſt came out of Perſia vnto them.

Of the Gold of Ophir, we heare but a diſcourſe of old obſeruation; That *Salomon* had the Gold from that place to beautifie the temple of Ieruſalem, and his pallace. This is held to be the Iſland of Sumatra or Taprobana, being the greateſt of all the Orientall Iſlands, and is diuided from the firme land of Malacca by a ſtrait and daungerous ſea, by reaſon of many Iſlands and Cliffes that are within it. It lyeth vnder nine degrees on the South-ſide of the Line, which no doubt is verie rich of Mines of Gold, Siluer, and Copper. The Hollanders did touch there in their firſt voyage they made for the Eaſt-Indies, where the Inhabitants make excellent Braſſe Peeces, and are opulent in all things. But I neuer haue yet heard of any Gold brought from thence, neither from the Iſland of Iaua Maior, which lyeth right ouer the Iſland of Sumatra, on the South-ſide of the Æquinoctiall Line, which may be, hereafter ſhal appeare; for out of all doubt, mens treaſures are hourded vp in Gold in many places. It is recorded that *Dauid* left in Gold (beſides Siluer) 180 millions ſterling, according to the calculation: But *Salomon* left behind him but one tenth part of that, namely eighteene millions.

Gold of Ophir

The ſcituation of Sumatra.

Siluer is alwaies found more aboundantly, becauſe of the number of Siluer Mines found in diuers countries, and for that all Leade Mines containe ſome Siluer, eſpecially the poore Lead Mines, the Ore whereof yeeldeth but ſmall quantitie of Lead, either 25 or 30 ℔ weight in one hundreth of Ore; and that Siluer containeth likewiſe ſome Gold, found ſometimes to be three or foure ounces in one hundreth pound weight, beſides the Copper in the Siluer Ore.

Siluer Mines.

The Siluer Mines of Hungarie and Bohemia, as alſo Sweaden, are drawne out, but do continue in Germanie (in many places) which haue properly the Siluer Ore of the Celeſtiall colour with fine grains gliſtring like little ſtarres. In Saxonie the Mines are richer: ſo are the Mines of the Seuerſtall Mountaines, which haue continually yeelded ſix or eight thouſand pound weight a yere, but are wrought vpon at leaſure.

Seuerſtall Siluer Mines.

The Mines in the Weſt-Indies are the principall in quantitie of poore Ore, where manie hands make light worke. For the King of Spaine doth diuide his grounds by proportion to his ſubiects to worke for him, allowing them money and Quicke-ſiluer to ſeperate the ſiluer from the droſſie ſubſtance, and they muſt pay him againe in Siluer after a certaine rate; and were it not for the quantitie of Ore, the Siluer would be verie little. For I am aſſured by the information of one *Don Rodrigo de Cordua* of the houſe of Toledo, a knight who had liued in the Weſt-Indies many yeares, and attended the great Mine of Potoſie, That the Ore thereof containeth not aboue $1\frac{1}{2}$ ounce of Siluer in a hundreth: the like was affirmed by a Portugall called

Potoſie Mine of Siluer in the Weſt-Indies.

called *Antonio Diaz*, who had dwelt thirtie and two yeares in the ſaid Weſt-Indies. I was interpreter betweene our ſoueraigne Lord *Iames*, and the ſaid *Antonio*, when he made the triall of the Siluer Ore of Scotland in the Tower of London with Quick-ſiluer before the King, and did informe his Maieſtie hereof; as alſo that the beſt Siluer Mine that euer was wrought vpon in the Weſt-Indies, did not containe aboue eight ounces in one hundreth weight. The Mines in Germanie are farre richer: ſome containe thirtie and fortie ounces, that is to ſay, by the mixt mettall Ore, taking of it diſquiſitiuely, or here and there: for the bloſſome of Siluer appearing in ſome braunches is fine or better than ſterling, which therfore doth not proportionate the goodneſſe of the Mine; whereof more hereafter. Now leauing the Mines of the Earle of Mansfield, and others that are in Tiroll and other places of Germanie, we muſt not forget to giue the due commendation vnto the noble Duke of Brownſwicke, that to his loſſe did maintaine the Siluer Mine of the Wild-man, or Sauage, in his countrie, onely to ſet the people on worke, being indeed but a Mine of courſe Lead, whereof he had great ſtore, heretofore, ſix hundreth weight of Ore making but one hundreth of Lead, and that hundreth of Lead hath but 1 ½ ounce of Siluer, whereof his Dollers are made; expreſſing the ſame by the Inſcription (which may verie well be aſſumed by many, for their Poſie) *Alijs inſeruiendo conſumor*, As the candle doth, which by conſumption of it ſelfe, doth giue light vnto others. The ſtampe of thoſe Dollers is a ſauage man, holding a burning candle in one hand, and the trunke of a tree in the other hand, and the Emperors Armes on the other ſide.

*Charles* Mine in Miſnia.

Mines in the Duke of Browneſwikes countrie.

I cannot therefore without griefe diſcourſe of the Siluer Mines of this Monarchie of Great Brittaine, and heartily lament to ſee them lie dead and buried in obliuion, becauſe I haue heretofore ſought to aduance the working of them: for it is now about foureteene yeares ſince I cauſed diuers workemen to come out of Saxonie, Brownſwike and other places in Germanie at my great charges, to the number of ſeuenteene perſons, ſome for the Siluer Mines in the Biſhopricke of Dureſme, others for the Lead Mines in Richmondſhire in the county of Yorke, ſome for the Allome workes there alſo, and ſome for the making of Steele in Wales, wherein the noble Lord *Eure* deceaſed, and certaine London Merchants had vndertaken to proceed with me. The action being applauded by a great perſonage then in authoritie, and now deceaſed, who promiſed all the fauour that he could do: but he had ſome other priuat deſigns herein, as he had alſo in the Siluer Ore of Scotland, whereof we are now to intreate: in ſo much, that the actions of theſe two Lords were like vnto *Phaetons* horſes, for all was ſet into a combuſtion, and the poore men went begging homewards, to our exceeding great loſſe of the benefits in expectation, our Mines being richer than thoſe of the Weſt-Indies, wherof I haue made (and cauſed to be made) many trialls, of aboue twentie ſeuerall ſorts of Siluer Ores. The two Mines of Mugglesſwike and

Siluer Mines of Great Brittaine.

Richmond ſhire.

Wardall

Wardall at Dureſme containe ſixe and eight ounces of ſiluer in the hundreth, which being fallen in, may with a reaſonable charge bee brought in working, according to the information which I tooke of the inhabitants there, at which time I did intend to goe further into Lancaſhire to Slaithborne Mine, holding aboue foure ounces of ſiluer in the hundreth: but being in the Winter time, and the weather very foule I was diuerted, not without diſcontent, becauſe it is the countrey where my anceſtors and parents were borne.

Siluer Mines at Dureſme.

Slaithborne Mine in Lancaſhire.

The Siluer Mine at Combmartin in Cornewall, holdeth tenne ounces in the hundreth, where Sir *Beuis Bulmer* did worke for a time, which is deepe and ouerflowne with water; but there are diuers branches of that Mine running many miles off ſpread into the earth, and within theſe two years ſome Ore was ſent me from Barneſtaple of a branch of that Mine, lying within one foot and a halfe of the ſuperficies, which vpon diuers trialls of one pound weight at once, holdeth by computation aboue ten ounces of Siluer, but little Lead; for euery pound did produce aboue two penny weight in Siluer, and is not difficult in the melting. The partie in whoſe ground it is found will not haue it touched nor medled with, fearing his grounds ſhall be ſpoiled, and the Mine taken from him, which is knowen aboue halfe a mile of one foot broad. Howſoeuer I thought good to remember this for our poſteritie, for there may come a time that induſtrious men ſhall be more regarded.

Combmartin in Cornewall.

Mines of ſiluer by Barneſtaple

It were alſo iniurious, if I ſhould not remember the Siluer Mines of Scotland, eſpecially that Mine which lyeth in the grounds of Sir *Thomas Hamilton* Knight, Lord Aduocate of Scotland, within eighteene miles of Edenborough towards the ſea ſide, diſcouered in the yeare 1607, by meanes of a Collier, as I am informed. In the report of the goodneſſe of this Mine hath beene very great diuerſitie, according as they found the Ore of ſeuerall veynes, as wee haue noted before, for the bloſſome of Siluer Ore, or the ſmall veynes cannot giue true direction of the richneſſe of the Mine, which is the cauſe that the Spaniards in the Weſt-Indies, hauing found any veyne of a Mine, they will purſue the ſame towards the Eaſt and ſeeke to find out (as it were) the Trunke or Body of the Tree, which they call *Beta*, ſaying *Es meneſter ſiempre buſcar la Beta de la mina*, Wee muſt alwayes ſeeke after the bodie of the Mine; which may bee ſometimes three or foure foot broad, when the veynes are like an arme or finger: and according to the triall made thereof they giue their iudgement, not by the triall of the ſubtile aſſay, but by ſome good quantitie, and increaſing their ſaid trialls by ſome additements fit for the nature of the mettall Ore, as they iudge the ſame to be. For all diſeaſes cannot be cured with one remedie in all perſons, although the diſeaſe be alike; ſo may it bee ſaid of thoſe that make trialls of the Ores of mettalls, for ſome trialls did report 80 pound of Siluer in one hundreth weight, others 60 ℔, 40 ℔, 35 ℔, and 20 ℔, and then it fell into ounces, which was more reaſonable and naturall, as I informed then ſome Priuie Coun-

Siluer Mines of Scotland.

A ſingular good obſeruation.

Triall of one tun of Ore by Sir *Beuis Bulmer*.

Councellor, and the said Sir *Beuis Bulmer*; whereupon it pleased his Maiestie, and the Lords of the Right honourable Priuie Councell, to appoint tenne Tunnes of the said Siluer Ore to bee brought into the Tower of London, whereof one Tunne of twentie hundreth weight was indifferently taken and calcined or grinded together, and thereunto were two Tuns of Lead added and commixed, and afterwardes molten by a continuall fire and hand-blast of foure men, according as I haue noted in writing. And there was a cake of siluer remaining weighing 17 $\frac{1}{2}$ ounces, and the extraction out of the Lead was some foure or fiue ounces more; so that it was reported to bee 22 ounces in the hundreth weight of Ore, but the charge was great.

There was also another triall made by *William Beale*, with a farre lesser quantitie of Lead, and roasting the Ore; and by Master *Broad* and others, as Master *Russell*, who refined the same with the slag of Lead; others by Lead Ore to saue charges; and they all found aboue 22 ounces of siluer in the hundreth weight of Ore. And so did Sir *Richard Martin* Knight, Master worker of his Maiesties Mint, lately deceased, who deliuered vnto mee at times 20 pound weight of the said Ore, grinded, shaddered and washed, which I did send beyond the seas vnto an expert Mint-master, and withall a particular of the manner of trialls which euery man had made here; as also of the triall made by the Portugall with Quicksiluer, who found 23 or 24 ounces; his answere was, That vpon his first triall hee found 42 ounces, & of the other lesse, and that the ore was easie to be wrought (but not by the meanes that all those men had vsed) and with little charges; and that the manner to refine with Quicksiluer, was good for poore Mines of two or three ounces, where the Ore had little or no Lead; and that the commixture of the Mine was very brittle, and Belmettall, and so did all the other Refiners affirme. For the said Ore doth looke betweene white and blew for the most part, and is like the Bell mettall found in good quantitie about Bristoll, which is vsed to make some kind of Alkemie beyond the seas, and this must bee allaied to qualifie the brittlenesse with some minerall, of all which I haue made a record in my Booke of Collections.

Colour of the Ore of Scotland.

Great quantitie of Siluer Ore.

In the moneth of August 1608, there came two ships before the Tower of London from Scotland, laden with some 400 barrels of this siluer Ore, in weight some hundreth tuns lading, which were there landed & deliuered vnto the Lord *Knyuet*, Warden of the Kings Mint, whereof 20 tunnes was taken promiscuously and grinded, and afterwards also distributed vnto diuers Refiners and others, and the triall of master *Broad* was best, who found 28 ounces in the hundreth of Ore. Of this quantitie Sir *Richard Martin* had three tuns, whereof some was sent to my friend beyond the seas: *Interim*, these trialls and conclusions so differing brought the said Ore (together with other proceedings) into some disgrace, whereupon (according vnto commission giuen mee) I made an offer to buy the 80 tunnes remaining in the Tower, to a great personage, to giue it for 24 pound the

tun,

tun, to be transported to my friend into Holland paying readie money: time was taken to giue me an answere, and then difficultie was made, for that treasure was not to be exported, vnlesse by returning the quantitie of siluer by weight; heereupon conclusion was made to bring in so much Bullion of siluer or royalls of plate. But when all came to all, with running vp and downe, and further offering to deale for greater quantities, and to take it in Scotland I was put off with this consideration, That it was a dishonour to England, not to haue men of as good experience as any were beyond the seas, whereby the Kings losse was 2000 ℔; for his Highnesse gaue the same afterwards vnto *Iames Achinson* his Grauer of the Mint heeretofore, who brought the same to nothing, being vnskilfull of the refining of it. And thus are good matters marred in the handling, and workes brought at a stay or hindered, as I haue before set downe. There are many rich Mines in Scotland, if wee compare them to the West-India Mines; and in Wales, where the Lead Mines are poore, they containe the more siluer of 1½, two and three ounces in the hundreth of the Ore, which will not yeeld aboue 40 or 44 ℔ weight of Lead, and the Ore of the Mine which holdeth three ounces, containeth but 25 pound of Lead. The Mines most knowne are those in Cardiganshire in Wales, where master *Hugh Middleton* of London Gold-smith, hath bestowed very great charges, as he did in bringing the water-workes to the Citie of London; so he bringeth now siluer to the Tower to bee minted: the Ore being foure ounces in the hundreth, or 80 ounces in the tun, and the lesse in Lead; for the richer the Ore is in Lead, the poorer it is in siluer. So one hundreth of the best Ore of Lead will make neere 70 ℔ of Lead, and holdeth but ½ ounce of siluer, not worth the charges of refining, as we shall declare.

Good matters marr'd in the handling.

*Plus Pencet que dire.*

The Lead Mines in Ireland, doe containe more siluer than these Mines of Darbieshire, and Somersetshire, called Peake and Mendiffe Lead.

The Saxons, which were procured to come into England, had no more, no not so much experience as our refiners of London, for by sauing of Lead, they found lesser quantitie of siluer, and so all was giuen ouer.

The third sort of Mines Royall, are the Copper Mines, which are found also in diuers Countreys, which are not so plentifull in Hungarie (where the best is) as in times past; but are very aboundant in Sweaden, howbeit that it is very meane and inferiour in goodnesse. There are also Copper Mines in Germany, and the Duke of Brunswickes countrey: as also certaine naturall Copperas waters, wherein they cast from time to time great quantitie of old Yron, which within sixe weekes or two moneths doth transmute into Copper. England hath diuers Copper Mines: at Keaswike neere Scotland are made some fortie tunnes yearely by certaine Germanes there inhabiting, it containeth some Gold. Some Mines of Copper Ore

Copper Mines

Naturall water of Copperas,

are found in Yorkeſhire : and albeit the charge of making one tunne of Copper be commonly 30 ℔, yet if ſeuen tunne of Copper Ore make one tunne of Copper, it may yeeld good benefit; for whereas 22 fires haue beene vſed, it is brought to 12. I haue ſeene excellent Copper Ore of ſome Mines in Staffordſhire in the hands of maſter *Stonewell*, which abſolutely is the beſt Ore that euer was found in England, hee doth aſſure mee of great ſtore of Ore. It is lamentable that ſuch workes ſhould lye dead for want of vndertakers, which indeed are diſcouraged by the great charges: In mine opinion the charge of a tunne of Copper of this goodneſſe of Ore will be made for 15 ℔. There are alſo good Copper Mines in the Weſt parts of England, where I haue ſeene good Ore in diuers places, which muſt be roaſted to deſtroy the Antimonie, Arſenicke, and other corruptions which are in it.

Staffordſhire Copper Mines

A certaine Nobleman now deceaſed, was imbarked in thoſe Weſterne Mines, which were promiſed to be wrought by imbibition of Allome and Copperas water, and the Ore after digeſtion with raine-water, would make of ſix tuns one of Copper: hereupon (for 300 ℔ by him diſburſed) he was offered 1800 ℔. It pleaſed his Lordſhip to take my aduice, and to conclude the bargain; for when I did calculate the charge of grinding and roaſting of the ore, the making of the great quantitie of Allome water and Copperas, the conſumption of yron plates decreaſing in weight, with all the tubs and vtenſills, the long time of imbibition, and conſequently workemens wages, I found the charge to exceed, and that the courſe of ordinary melting was to be preferred: and ſo experience hath ſince proued the ſame, to the great loſſe of the vndertakers. For when workes are clogged with immenſiue charges in the beginning, it choketh the benefit euer after, as we ſhall preſently declare. Seeing that profit is the radicall moiſture of ſuch and the like actions, his Maieſtie hath beene graciouſly pleaſed, to incorporate a Companie of worthy perſons, for all Royall Mines, by Letters Pattents, and hath reſerued but one fifteenth part to himſelfe. But there is none of that Companie that doth aduance any works, that I can learne. I would to God that the Mines Royal or others, would proue to be worth ten thouſand pounds yearely, and aboue; whereby his Highneſſe (according to the ancient Maxime of the Law) might claime his intereſt as they ſay; for it is well knowne how gracious and bountifull his Maieſtie is alwayes.

The working of copper Ore, by Allome and Copperas water.

The Companie of Royall Mines.

The great wealth of the Weſt-Indies would not bee ſo admirable vnto vs, the Report whereof is greater than the Truth; and the Spaniſh Millions are not ſterling Millions: Neuertheleſſe let vs reckon them with the moſt, which is three hundreth thouſand pound ſterling. And when the Fleet of the Weſt-Indies, and Noua Eſpagna bringeth eight or nine Millions, it is a great matter. And to make this apparant, I haue heere ſet downe the greateſt Treaſure that euer came at any one time, which was in the yeare 1587, as a prouiſion for the great Armada then preparing: where-

A Spaniſh Million, is 300 thouſand pound ſterling.

vnto

unto great beneuolences had beene gathered, in regard of the meritorious action, which God from Inuincible made Inuisible. The Register of the treasure was (with the most) namely,

From *Noua Espagna* and *Terra firme*.

| For the King. | For particular persons. |
|---|---|
| 8100 Ingots of Siluer. | 5 millions Teasted siluer. |
| 12 Chests with Gold. | 1500 Markes of Gold of eight ounces. |
| 300 thousand Royals of eight. | 1500 Markes of Pearles. |
| 20 Cases with Pearles. | 1 Chest Emeraulds. |
| 1 Chest with Emeraulds. | |
| 5600 Roues of Cutchenille. | |

A remembrance of the greatest reuenue of the West-Indies.

From Mexico.

| For the King. | For particular persons. |
|---|---|
| 1900 thousand Pesos of Siluer. | 2 millions in Siluer. |
| 1100 Markes of Gold. | 64 thousand Hides. |
| | 25 thousand ℔ Indico. |

From Santo Domingo Island,

35 thousand Hides.
900 Chest Sugar of 1000 ℔ weight.
22 thousand Kintals of Ginger.
13 thousand Kintals of Logwood.
50 Kintals of Salsaparilla.
48 Kintals of Caniafistula.
64 Roues of Cottonwooll.

All the Gold and Siluer was valued at thirteene millions, and all the commodities at three millions, whereof the King had twelue millions and one halfe *de claro*: wherewith we conclude this Chapter of the Mines Royall, and are moued to write also of other Mines and Minerals contrarie to our first intention, but briefely, as followeth.

(***)

## CHAP. III.

### *Of Mines and Mineralls.*

Tin Mines.

THe next in order to be treated of are Tin Mines, which are but few in number in all countries, and in Germanie onely found ſomewhat plentifull, but the Tin is blackiſh and corrupt: ſo that our Engliſh Tin in Deuonſhire and Cornewall is the only Tin of all the World, which containeth foure ounces of Gold in a thouſand, whereof there is ſome twelue hundreth thouſand made yearely. It hath been ſold for many yeares at an vnder value: but his maieſtie hath by way of Præemption aduanced the price thereof, which belongeth to the Dukes of Cornewall, and conſequently vnto the noble Prince of Wales *Charles*, ſonne and heire apparant to our ſoueraigne Lord king *Iames*. This Præemption is letten to ferme to certaine Merchants, and the gouernment of the Staneries, with all the good orders obſerued therein, and the coynage of Tin to demonſtrate the goodneſſe is profitable to the kingdome, and deſerueth great commendation, as is alreadie noted.

Lead Mines.

Leade Mines are found in all cold countries, eſpecially in Germanie in the dukedome of Brownſwike, but it is blacke of colour, and vntill it be refined it is vnſeruiceable, and conſequently not vendible. The old Duke had almoſt made a wall about the citie of the ſowes and pigges of Leade, vntill our Leade became deere and ſcant, and that an Antuerpian did teach them how to refine their Leade in taking away the cobble (which is like vnto a knot in a peece of timber) which made the Leade brittle, and by his meanes all the Dukes Leade was ſold in Italie, Spaine, and other places, in France, and elſewhere.

Scotland and Ireland haue many Leade Mines, containing alſo Siluer.

The Leade Mines of England are ſcituated in diuers places of the kingdome, but moſt in Darbiſhire in the hills of Peake, Somerſetſhire, and Wales.

There is great difference in the Ore, as hath beene noted. There are alſo many Lead Mines in Richmondſhire vnder the countie of Yorke, where I went to view them, *anno* 1606, about Arkendale, and the new Foreſt, hauing prepared a long Yron boare of eighteene foot long

long for that purpose, and there I did obserue within the compasse of ten miles, that the scituation of Arkendale is betwixt two hills, the one lying North called Windike, and the other South-West called Moldersey, adioyning vnto another hill called Pouncy, lying West from Moldersey, all belonging vnto the King, and by lease vnto sir *Iohn Maillorie* knight. Description of many Leade Mines in Yorkshire.

There are also adioyning vnto it certaine other hills where lead Mines are, as Swailedale, where my lord *Wharton* hath his workes, also Readhurst, Cocka, and Fellind being East from Wyndecke. The Mines of Arkendale haue neuer been wrought to any purpose. There is but three smelting cottages which do feed vpon the poore people and inhabitants thereabouts, which at their leasure seeke for Lead Ore vpon sufferance, and bring the same to the melting places, where they sell the same for 20 or 24 ß the load, giuing to the owners three or foure parts in ten, as they can agree, and one tenth to the Parson or Vicar of the Parish or Chappell.

A loade of Ore with them is as much as foure or fiue horses can conueniently carrie, which by computation is some ten hundreth weight, and is also deliuered by a measure called Load; foure of these Loads will make a Fother of Lead of twentie hundreth, their weight being 120 ℔ to the hundreth London weight; so one hundreth of Lead Ore maketh but 30 ℔ of Lead: which commeth to passe for that their manner of melting is by foot-blast and small furnaces with wood and charcoale, casting the Ore of Lead betweene them in small peeces, and so still augmenting their melting, which can yeeld but little, the heat of the fire being choaked with the fewel and drosse of the Lead; whereas flame is the greatest meane of melting of all mettaline Ores, which require furnaces to be made accordingly, where thirtie six or fortie hundreth may be molten together, they melting three or foure hundreth. Foolish maner of melting.

There is no wood to be had, but within two miles, but sea coale and good peate is neere hand, which may serue better cheape; for they reckon 7 or 8 ß for the charge of a fother for the melting. The Lead being cast into small Piggs of somewhat more than one hundreth weight, are brought on horse-backe through Richmond to Burroughbridge, being about thirtie miles distant, and are conueyed by water to Yorke for 2 ß the hundreth, and from Yorke to Hull for other two shillings; so that a Fother of Lead with all charges will not stand in three pounds: and there is a neerer way by Stockton on the sea-side (about twentie and fiue miles) which will lessen the said charges.

Now we are come to Yron mines, whereof almost all countries in Europe are prouided, which do much differ in goodnesse, yet may be vsed according to the seuerall workes whereunto it is imployed; as the Spanish Yron seruing for Blades, & not so good for other things. Yron Mines.

England hath great store of Yron Mines, for by computation there are aboue eight hundreth furnaces. The melting of it by flaming sea

coale or Scots coale, ſaueth a great deale of charges. There are lately found more Yron Mines in Fraunce, which Yron being made into bars, is tranſported into Guinea, Binea, and other parts vpon the coaſts of Africa, where it hath continually beene in great eſtimation, and now becommeth ſo aboundant, that their profit is but ſmall of thoſe voyages; and ſo it falleth out at this preſent for the price of Leade.

Steele ſtone. The Yron ſtone in Wales is found to differ from the Steele ſtone, by meanes whereof a Germane made good Steele in barres, and alſo Gad Steele. But the patent of ſir *Baſell Brooke* for the making of Steele did hinder the proceedings therein: and Germane Steele is beſt, vntill of late that a Frenchman (ſhewing the imperfection of ordinarie Steele) cauſed his maieſtie to make void the ſaid patent, and to grant another for the making of perfect Steele, ſurpaſſing in goodnes the Steele of all countries.

So we find, that our Yron is beſt for the caſting of Ordnance, and that the Sweaden caſt Yron Peeces are brittle, and commonly one in ſeuen will not abide the triall; and of late the broken peeces of ours are made ſeruiceable for Yron in bars to be caſt againe.

Quickſiluer Mines. Mercurie or Quickſiluer naturall, is not yet found in England, but onely in Germanie in verie cold places: and within theſe thirtie yeares there are two Mines of Quickſiluer diſcouered in the Weſt-Indies, which is a helpe to the quantitie which they yearely buy to refine their Siluer Mines.

Sulphure Mines, or Brimſtone. Sulphure or Brimſtone being found in diuers countries, cannot be better than we haue in ſome mountaines in Wales, from whence I haue had diuers ſorts of Sulphure earth or mine verie rich. Some there is alſo in Blackemoore and Baſedale in Yorkeſhire; as alſo many other Minerals which my workmen did ſhew me, as *Terra ſigillata*, Oacre red and yellow, Bole Armoniacke, *Tera d' Vmbra*, Antimonie, Salniter, Blacke lead, Vitrioll to be made of Copporas: to ſay nothing of ſuch things as are made of Mettals, nor of Salt-peeter, which is plentifull.

Allomes are made of ſtone, ſlate, and earth And now I cannot omit to treat of the Allomes, whereof in many countries great ſtore is made: but the beſt is at Ciuita Vecchia in Italie, called Romiſh Allome, made with ſmall charges, out of a kind of ſtone which yeeldeth aboue the one halfe of Allome without vſing any vrine or ſaltiſh mixture, as they do in Germanie, where they haue both red and white Allome at reaſonable rates: ſo they haue in many places of the Straits at Conſtantinople, Carthagena, and other places; Sweaden and Poland are not without it.

In Scotland and Ireland great quantities can be made, had not England vndertaken ſo much, whereof I haue ſet downe the originall, progreſſe, and continuance concerning thoſe workes at large, the ſubſtance whereof followeth in briefe.

Queene *Elizabeth* of bleſſed memorie, did in the ſixt yeare of her raigne grant by Letters Pattents, vnto one *Cornelius de Vos*, the ſole



making

making of Copperas and Allomes within the Realme of England, which was assigned by him to *Iames* Lord *Mountioy*, and being renewed for twentie one yeares, was confirmed vnto him by an Act of Parliament, by vertue whereof one master *Lane*, his workemaster, made great quantitie of Copperas in Dorsetshire, and the Isle of Purbeke, and some Allome and Copperas was then sold at 30 ℔ the tun, now vnder three pounds.

Afterwards about the yeare 1604, one master *Atherton* beganne to practise the making of Allomes in Yorkeshire, about Gisborough, with whom one master *Bourchier*, now Sir *Iohn Bourchier* Knight, did ioyne to bring it to some perfection (in hope whereof, and at the sute of the said Sir *Iohn*) the King in the fourth yeare of his raigne, granted certaine conditionall Letters Patents, to the Lord *Sheffield* President of the North, Sir *Thomas Challoner*, Sir *Dauid Fowles* Knights, and the said master *Bourchier*, for twentie one yeares, for the sole making of Allomes in Yorkeshire onely, where (in building of seuen houses and the vtensills for working and charges, with other extraordinaries) they were out of purse in two yeares, some 33 thousand pounds, and could proceed no further without bringing in new men; for some of the other gaue ouer in time, and would proceed no further, although the Germanes were now come, which they had sent for. Hereupon other Letters Patents were obtained for thirtie one yeares for all England, Scotland, and Ireland, without conditions, and then they were out aboue 40 thousand pounds, and no Allomes made to benefit, although the price was raised at a certaintie, and all forraine Allomes prohibited to come in. And his Maiestie hath beene pleased to enter into the said workes, and layed out so many thousand pounds, as is not fitting to bee expressed. Thus by ouercharging the workes in the beginning, are good businesses ouerthrowne; many are the particulars which I haue obserued in writing concerning these workes. But leauing this, I wish good successe therein, for there is Allome earth enough to continue for euer, and in places West-wards as good and better than any in Yorkeshire.

Aboue Blacke Moores.

There are rich Allome Mines in the Isle of Wight.

Now from the Mines of Gold, being fallen to Allome and Copperas, let vs end with the Coale pits or Coale Mines, whereof they make more account in the North, than of Lead Mines, and yet they are aboundant, more than in any countrey of the world. In the lower parts of Germanie, about Acon and Collogne, they haue great store of Sea-coale, but it doth not cake as our Coales, they melt great quantitie of yron stone with it, being like vnto the Coale in Nottinghamshire, or thereabouts, which flameth more like vnto the Scots Coales. To know the goodnesse of the diuersitie of our Coale, I haue noted in the fourth Chapter of the first Part of Weights and Measures, and now I am to shew how Mines may bee wrought to benefit and profit, for the good of Merchants and others.

Coale Mines.

CHAP.

## Chap. IIII.

### *Of the profitable working of Mines.*

PHillip the ſecond, late King of Spaine, perceiuing that many blind Bayards were ouerbold to vndertake the working of his Mines of Siluer in the Weſt-Indies: and yet conſidering on the one ſide, that without authoritie and priuiledge they could not bee incouraged thereunto; and on the other ſide (hauing obtained the ſame for certaine allotted grounds vnto them) they did hinder other men, and themſelues proceeded not; did very aduiſedly make all his Letters Patents (as wee call them) conditionall with a Prouiſo, That if the Patentees did not proceed in the workes, or diſcontinue the worke for two yeares, the Patent was void of courſe, and vpon Certificate made of it, the King made new Grants vnto others. If our King were pleaſed to doe ſo, many Grants or Leaſes made by the Companie of the Mines Royall would be made void, and other men would be incouraged to trie their fortunes vpon them.

A good prouiſo in Letters Patents for Mines.

The next conſideration concerning Mines, Mettaline and Minerall is, That the workes in the beginning be not choaked or ſuffocated with extreame charges and expences, which doth diſcourage the vndertaker and all others, whereby the works are giuen ouer, or meanes are deuiſed to charge Princes Coffers with them. For it is true, That things doe proſper beſt when they are vnderpropped by authoritie it ſelfe; which to doe in the beginning were more profitable, than when the charges and expences haue ouerburthened them. For preuention whereof, I made a contract for the Lead Mines in the North parts, which being imitated ſhall cut off all ſuch charges as commonly the parties doe runne into in the working of Mines, vpon the conceited benefit which draweth more violently than the Adamant ſtone. For as the Portugall *Antonio Diaz* told the King, *Todos los mineros ſon Ricos, porque quando no le tienen en ſuſtancia, tienen le enel animo*: All Miners are rich, for when they haue it not in Subſtance, they haue it in the Mind. The obſeruation alreadie noted, concerning the running waters about Mines, muſt not be forgotten.

The

The Contract before mentioned was in this manner: The Mine to bee wrought, and the Ore to be diuided into fiue parts: The owner of the ground or the leſſee, to haue one part of the Ore ſhaddered and waſhed readie to be molten, and hee to redeliuer the ſame in the nature and qualitie aforeſaid, and to be paied for it euery 3 moneths, paying for euery load twentie ſhillings. The workemen in like manner to haue another fifth part, and to bee paied accordingly euery weeke. The other $\frac{3}{5}$ parts to be for the vndertakers, and they to content the Parſon for his tithes: by theſe meanes a man is ſure to haue ware for his money, and then to make Furnaces to melt 36, or 40 hundreth at one time, as hath beene touched. For to enter into charges before you haue good ſtore of Ore aboue ground, is needleſſe; herein obſerue alſo to work from Eaſt to Weſt, or from Weſt to Eaſt, vnleſſe you find the ſcituation of the Mine to be ſuch, that being troubled with water, you may make entrances in the lower parts therof to auoid the ſame. If your lead do containe ſiluer, although it were but an ounce in a hundreth, you may worke it to benefit if you preſerue your Lead by making of an Yron Cap ouer your Furnace to be drawne vp and downe to receiue the vapour of Lead, which falleth downe againe, whereby the loſſe of aboue 200 ℔ weight in one tun will decreaſe to 80 ℔, or thereabouts; and if you haue vent enough for the *Litargium*, which is your Lead, as it is caſt vp by the Foot-blaſt, or otherwiſe being red to paint withall, then may you make profitable worke euery way. For Copper, obſerue your roaſting, to purge your Antimonie and all other corruptions; let not the gliſtering colour of *Marquiſite* deceiue you, it is but ſmoake and ſcurffe. And although Antimonie will bee the eldeſt ſonne of Sol, and contend with Sulphur and Mercurie, hold him for a baſtard; the thrift, is in ponderous ore for copper, and with a reaſonable quantitie you may trie your workes, before you bee at charges in landing of your Ore, and to know how many fiers will bee requiſite to make one tunne of Copper, and then land great quantitie of Ore, according to our former contract: If you are not ſure of it, let others beare charges and labour with you, and ſo ſhall you not ouercharge the worke, but rather find meanes to leſſen your charges. The Lead Mines in Wales containing two or three ounces of Siluer, may (in my opinion) bee wrought to great profit by the meanes of Quickeſiluer, being roaſted by reflection of the fire, and grinded. To the furtherance whereof, I haue thought good to ſet downe the manner of Potoſie Mine in the Weſt-Indies, and as the Portugall did the Scottiſh Ore; hee did take to one hundreth of the mettall prepared, betweene 12 ℔ and 15 ℔ of Quickeſiluer, with ſalt and vinegre; and ſo ſprinkling the ſaid Quickeſiluer through a linnen cloth, ſtill vſing a reaſonable quantitie of ſalt (which diuideth the Lead from the Siluer) and vinegre or ſtrong water (but that is coſtly) he did leaue theſe ſubſtances together 24 or 25 dayes, euerie ſecond day ſtirring the ſame with a ſtaffe, in which time or leſſe (according to the Minerall) the Quickeſiluer doth

A profitable Contract.

*Litargium* of Lead.

How to refine Siluer by Mercurie.

doth deuoure or eate vp the Siluer, and leaueth all the other commixture: then by straining the said masse, the Quickesiluer goeth thorough, and there remaineth a Paste in diuers Balles, called the Almond Paste, which by a limbecke receiuing fire, causeth the Quickesiluer to subleme, and falling downe by the necke into the water, which is in the receiuer stopped close, taketh his bodie againe in the said water, and the Siluer remaineth pure, which commonly is not aboue one fourth part of the weight of the said Paste; your Quickesiluer serueth againe, and there is not lost aboue sixe pound in the hundreth of Siluer: he said also, That hauing once two or three moneths before hand, the Mineralls thus prepared or decocted, himselfe and foure men could refine ten tunnes of it in a day, which is admirable. But these men are like trauellers that sometimes may speake an vntruth, *Cum gratia & Priuilegio.* Neuertheless, considering that Potosie Siluer Mine holding but 1½ ounce of Siluer is but 30 ounces the tunne, which at 5 ß is but 7 ℔ 10 ß 0, and the losse of the Quicksiluer and all charges deducted there will remaine but little, vnlesse the quantitie of tunnes to bee done in a day should counteruaile the same, to prouide yearly against the comming of the Fleet, although (as I haue said) many hands make light worke, and light gaines and often doth fill the purse: and if the workemen should returne one pound of Siluer for euerie pound of Quickesiluer, there would bee aboue tenne for one, and they to liue by the ouerplus of it.

To be done by retorts of earth.

## Chap. V.

### *Of the Nature of Gold, Siluer, and Copper, and of the Moneys made thereof.*

From the transcendent contemplatiue studie of Philosophers, of vapours and exhalations, to the Essence of Sulphur and Mercury generated into Ores of Mettalls, Wee haue produced, Gold, Siluer, and Copper to the Mint to be conuerted into Moneys. To which purpose let vs now examine the nature of them, and (by inuersion) coyne first Copper, then Siluer, and so come to Gold, according to the beginning of coynes made by the ancient Romanes: notwithstanding

ſtanding, that at our comming to the Mint we ſaw nothing but Gold coyned, whereupon we do remember the verſes which were made at their firſt coyning of Gold.

*Æra dabunt olim melius, nunc omen in Auro eſt:*
*Victaq; conceſſit priſca Moneta nobis.*

Such is the qualitie of fine Gold (by reaſon of the equall proportion of the foure Elements therein, that none is predominant ouer the other) that the fire doth not conſume it, being alſo hot and drie of nature, neither is it ſubiect to any other Element, for there is no ruſt or ſcurfe that doth diminiſh the goodneſſe, or waſteth the ſubſtance; it doth abide the fretting and liquors of ſalt and vinegre without damage, which weareth any other thing; it needs no fire to be made Gold, as other mettals do, for it is gold as ſoone as it is found; it draweth without wooll, as it were wooll; it is eaſily ſpread in leaues of maruellous thinneſſe; you may adorne or guild any other mettall with it; it is not inferiour for making of any veſſells; in colour it reſembleth the Celeſtiall bodies; it defileth not the thing it toucheth, as Siluer and other mettals; it is not ſtinking in ſmell; the ſpirit of it can by art be extracted, and the bodie (being as red earth) can neuer be moulten without the ſpirit be againe added thereunto, as it were infuſing life: and laſtly, it is medicinable and maketh glad the heart of man, which artificiall Gold doth not, neither is it corroſiue as this Gold is, ſo that a ſcratch of it will hardly be healed.

The qualities of Gold.

Difference betweene naturall and artificiall Gold.

But for our purpoſe of moneys (being ſoft, and onely hardened by the ayre, deafe in ſound, and ponderous in weight) it requireth to make Crowne Gold fit for moneys and workes to haue ſome allay of Siluer and Copper mixt, which is $\frac{1}{12}$ part: howbeit, that moneys are alſo made of fine gold, wherein (for obſeruation ſake) we aſcribe halfe a graine of allay in twentie and foure Carrats. It hath alſo by reaſon of his hot and drie qualitie a propertie, That filling a cup with wine to the brim, yet you may put ten or fifteene peeces of Gold coyned into it by little and little, without ſpilling, as it were apprehending and claſping the liquid qualitie of the wine.

It is held for certaine, that the Salamanders wooll, and *Alumen Plumoſum* are not ſubiect to fire, yet are they ſubiect to corruption. The ſtuffe called Soda Bariglia, or Maſſacote whereof Glaſſes are made (which ſtuffe is burnt of certain ſea weeds, as we know & daily may ſee in the Glaſſe-houſes) is not ſubiect to fire, but altogether to the ayre: But Gold is permanent. Here now ariſeth a queſtion, How it was poſſible that *Archimedes* Geometricall triall (ſo much celebrated by Antiquitie) can be ſure, ſeeing Gold hath that attractiue power to retaine ſo manie peeces of it in a cup of wine? For the King of Ægypt being deceiued of his Goldſmith in the making of two Diademes or Crownes of Gold, whereof the one contained much

Soda bariglia, or Maſſacote.

much Siluer) was desirous to know the falshood without breaking of them: whereupon *Archymedes* caused two vessels to be made of one equall bignesse, with receiuers vnder them, and caused them to be filled brim full with water, and therein he did put these two Crownes a sunder, and gathered vp the water verie circumspectly, whereof one of the vessels did spill more than the other; according vnto which, by Arithmeticall proportion grounded vpon the Geometricall obseruation, he found out the difference betwene the quantitie and weight of the two waters, and consequently how much Siluer there was put in, in one of the Crownes, in the liew of Gold, which if they had beene both falsified, he could neuer haue found it: for the difference came to be knowne by the bulk or bignesse which caused the more spilling, and the matter was visible in some measure. For I haue obserued by my Instrument made for proportions, That the difference in bulke betweene Gold and Siluer is as fiue to nine, and betweene Siluer and Copper as eleuen to thirteene; that the bodie of Copper is bigger than Siluer, Lead to Siluer as from fifteene to foureteene. Tin is lighter than Siluer, and doth differ from it as nine to thirteene, and from the Gold as seuen to eighteen. Yron differeth from Siluer as foure to three, and from the Gold as six to nine, the bodie of gold is lesser. Quicksiluer commeth neerer, and doth differ as three to foure.

*Archymedes* triall: Sixteen pound of Siluer did spil thirtie and six, and sixteen of Gold did spill but twentie, and the Crowne twentie and foure, so it was 12 li. Siluer, and 4 li. of Gold.

Proportion of volume for Gold, Siluer, and Copper.

But to resolue the question, we must note the diuersitie of the intentions, which were meere contraries; for the one had an intention to spill, and the other to keepe it from spilling, whereas also between the operation of wine and water there may be a difference in this triall.

Thus much concerning the nature and qualitie of fine Gold, whereunto Lead commeth neerest for ponderositie of weight, bignesse of volume, and deafenesse of sound, as fittest for proiection.

The qualitie of Siluer,

The nature and qualitie of Siluer is like vnto the Moone, that is, cold and moist; the Sulphure of it white and corrupt, and falling away, as you may see by drawing lines vpon a paper. Betweene the Planets *Sol* and *Luna* you haue *Venus* the Planet of Copper, to allay the same, although *Mercurie* bee betweene them, which being fixed, ioyneth with any mettall. Copper doth harden the Siluer, and yet as the weaker of the two, is sooneft corrupted and consumed: for it is in mettals according to the Prouerbe, *The weakest goeth to the wall*, and the Allay of Copper is done for the preseruation of Siluer. The first moneys, or the Sicles of the Hebrewes was pure siluer weighing halfe an ounce, which was deliuered by weight, and cannot properly be called money, for there was no print vpon it: and being allayed with Copper it hath a smel, for the Sulphure and Antimonie of Copper (being red and corrupt) hath a strong smell, which may (by heating it) be sooner discerned by rubbing: and howsoeuer there are many blanchers for Copper, the best of them all in time will appeare in his colour, being not throughly fixed. The nature of Copper is

Siele is halfe an ounce of Siluer.

The qualitie of Copper.

also

alſo cold and moiſt, and being commixed and augmented with the Calamine ſtone and lead maketh the yellow braſſe, and increaſeth the volume from eleuen to fifteene, whereas (as wee haue ſaid before) betweene Siluer and Copper, it is but eleuen to thirteene, which cauſeth the counterfeiters to be encouraged, notwithſtanding the ſmell and rednes of the colour: therefore in the allay of crowne Gold, the Mint-maſters in Fraunce and England, do take halfe Siluer, and halfe Copper, which maketh the higher colour of Gold. But in the Low-countries and Germany they take three parts Siluer and one part Copper, which maketh the difference betweene the colour of their crowne and ours, and is the reaſon that our Gold will ſooner weare away than theirs.

Yellow Braſſe.

Allay of Gold.

We haue alreadie declared the true deriuation of moneys, called by the Romanes *Pecunia*, of *Pecus pecudis*, not *Pecus pecoris*; for they coyning firſt Copper moneys (and as it ſhould ſeeme, the wealth of man conſiſting moſt in cattell, as in the time of *Iob*) cauſed Oxen, Sheepe, and the like cattell to bee ſtamped vpon their coynes of meere Copper, whereof their Exchequer was called *Ærarium*, being then in greater eſtimation: for the proportion or value in the time of *Numa Pompilius* was ten of Copper to one of Siluer, and ten of Siluer to one of Gold, which now by the aboundance of Copper is much altered, notwithſtanding the Copper moneys vſed in all countries in ſome reaſonable meaſure. But in Spaine, being (as it were vnto vs) the fountaine of Siluer and Gold, there it is vſed immoderately: for they haue ſo many millions of Copper moneys in foure and eight Maluedies and otherwiſe, and in Portugall of Vintenis, Patacois of ſo many Reas, that the halfe Ryall (which is our three pence) is onely of Siluer, and all moneys vnder it are meere Copper, without any mixture of Siluer. This quantitie is almoſt incredible, for it is not many yeres ſince during the Kings raign of *Philip* the third, that certaine Italians (finding fault that his Octauos and Quartillos were too big) gaue the King ſixe millions of Ducats to coyne them at halfe the weight, within a time limited, and as many as they could vtter within that time; *Neceſſitas non habet legem*, is true in ſome reſpects.

Proportion which was betweene Siluer and Copper.

Copper moneys of Spaine and Portugall.

The Venetians alſo coyne meere Copper moneys, they haue Seſſini which are valued at two Quatrini, and three Quatrini are one halfe pennie ſterling; for ſix Quatrini are one pennie. Bagatini they haue alſo, whereof foure make one Quatrini, and twentie and foure Bagatini make one pennie ſterling by calculation.

Copper moneys of the Venetians.

In France they haue Mailles, petit Deniers, Deniers, Doubles, and Liarts, & in times paſt, moſt of theſe had ſome Siluer in them: but vpon due conſideration (that it was ſo much Siluer waſted, becauſe the charges of refining did ſurmount the value, and that theſe moneys did ſerue for the commutation of pettie things and trifles) they haue ſaued that Siluer. The like they haue done of all the ſmall moneys in Germanie: but they cauſe them to be Alkimed like Siluer, which is

Of Fraunce.

Of Germanie.

done with Tin and Sal Armoniake after they be coyned, which holdeth fairer for a longer time than the moneys of siluer allayed with much copper, being in a maner incorporated with the copper, and taketh away the smel of it. Such are their Hellers, Albs, Hallincke, and the like small copper moneys.

Of the Low-countries.

In the Low-countries they haue Duyts, Mites, Negemanckens, Ortkens whereof foure make a Styuer, and fiue Styuers make sixe pence which we may well call a Styuer for a pennie sterling; eight Negemanckens and twentie and foure Mites for one pennie also. In some places (as in Flanders) the Mite is called Gorte, and in the Wallone countrie Engcuni, and in other places Point, Pite, Poot, being all subdiuisions of *Obolus*, or the halfe pennie.

Of many other kingdomes and states gouernment.

In Bohemia, Poland, Sweaden, Denmarke, East-land, and many other Kingdomes and States they haue meere copper moneys tedious to describe; likewise in Italie in their seuerall principalities and dukedomes.

Of Scotland.

In Scotland they haue Turnoners, and pence, and halfe pence in their names, and much base money of Achisons, Plackx, Babyes,

Of Ireland.

Nonsuits, and the like. In Ireland they had in Queene *Elizabeth* her time halfe pence, and pence of copper, which are most of them lost and consumed.

The necessitie of these small moneys did appeare here with vs in England, where euerie Chandler, Tapster, Vintner, and others made tokens of lead and brasse for halfe-pences, and at Bristoll by the late Queenes authoritie, were made of copper, with a ship on the one side, and C. B. on the other side, signifying *Ciuitas Bristoll*: these went currant (for small things) at Bristoll, and ten miles about. Hereupon it pleased our soueraigne Lord the K. to approue of the making of a competent quantitie of farthing tokens to abolish the said leaden tokens made in derogation of the Kings Prerogatiue Royall, which farthing tokens (being made (by Engines) of meere copper in the yeare 1613, with certain cautions and limitations) haue on the one side two scepters crossing vnder one diademe in remembrance of the vnion betweene England and Scotland, and on the other side the harpe for Ireland, and the inscription of *Iacobus D.G. Magnæ Brit. Fra. & Hiber. Rex.* And the said farthing tokens haue not onely beene found very commodious and necessarie for pettie commutations, but also to be a great reliefe of the poore, and means to increase charitie, without which many of them had perished, euerie man hauing means to giue almes, euen the mechanicall poore to the indigent poore.

Farthing tokens in England.

Siluer moneys

To come to the coynes of siluer, we haue also noted, that the Romanes made but moneys of siluer the 484 yere after the foundation of Rome, which was in the yeare 3695, from the beginning of the world, being now about 1900 yeres since: and by some coyns & models extant, the goodnes of it was sterling siluer being aboue 11 ounces fine, since which time many are the standards of siluer moneys made in diuers countries according to occasions, both in time of

peace

peace and warres, as you may find in the following Chapters, where wee haue reduced them from the marke weight, vnto the pound weight Troy of twelue ounces: And concerning the Moneys of England of the ſterling Standard, more followeth hereafter.

The Moneys of gold were but made when the Romanes had taken great wealth from all Nations, and was ſixtie two yeares after their beginning of the making of ſiluer Moneys, and they were of fine gold, ſince which time alſo, there haue beene many Standards made of gold, and that from about twentie foure carrats fine, vntill ſeuen carrats, &c. Gold Moneys.

## CHAP. VI.

### *Of the Officers of Mints.*

THere are diuers Officers in all Mintes: The principall Officer is the Warden of the Mint; next is the Mint-maſter: the one to looke to the making of Moneys compleat, according to the Standards, and the other with his workemen (called Monyers) to make them: Then there is the Comptroller to keepe the Contrebookes for the Prince & State, to ſee the bullion receiued, and the aſſayes made thereof, and the compleat moneys returned for the ſame, weight for weight, paying coynage money for the ſame, which is done by the Warden, by the ſaid moneys *in ſpecie*, as they were coyned at the firſt. There are commonly two Aſſay-maſters, one Grauer, and his deputie; one that keepeth the Yrons to deliuer them to the Monyers, or the Prouoſt or chiefe of them, to ſee them euery night returned againe: then the Sincker, Smith, Porter, and the like in their places; all theſe haue wages for themſelues, or allowances yearely from the Prince or State. The Mint-maſter and the Monyers, are paied for euery pound weight they make, whereof 30 ℔ weight they call a Iourney. The Tellors Office is but vſed in England, which the Wardens deputies execute in other countreys, to keepe a Sheyre Booke of the peeces contained in the marke or pound weight, although the money be deliuered by weight and not by tale. For although there be, ſuppoſe eight or ten peeces ouer in 100 ℔ by tale, it doth incourage the bringer in of Bullion; for the exact fizing is not ſo much to be regarded vpon the totall in quantitie, as vpon the equalitie of weight in peeces: for it happeneth ſometimes, that one ſhilling will The Sheyre booke of Moneys.

The cause of culling of money.

will weigh one farthing or halfe penny more in value by the weight, than an other; whereby moneys are culled out and transported, and the light peeces remaine amongst his Maiesties subiects: Goldsmiths also wanting Bullion, must melt such monies downe to make plate of.

The Bullion which is brought in, or forraine coyne either, is alwayes lockt vp in great chests, or inclosed places vnder three keyes, namely, the Wardens, the Mint-masters, and the Comptrollers: at the dayes of Receits which are obserued in the Tower of London, Saturdayes and Mondayes, and then the Officers haue their dyet in the place, the one halfe at the Kings charges, and the other halfe at the Mint-masters charges, who is called by some, Master-worker of the King moneys, *Vel Magister operarius*: and betweene the Warden and him, there is commonly emulation and necessary discord; like vnto that which *Cato* vsed amongst the seruants of his family, which hee did compare to the stones of a vault, which by striuing doe vphold the building, and made him to bee more quiet and regarded.

Suppose now that we are come to the Mint to see moneys made of our Ingots of Gold and Siluer, and one of the Assay-masters commeth vnto me and saith, Sir, I haue read that all things are gouerned by Number, Weight, and Measure; What say you to fineneſſe of Gold and Siluer? I do aske him first, What he taketh fineneſſe to be? he doth answere me, That it is a Mysterie, and that the studie of it is as intricate, as the Transubstantiation of the Papists Sacrament, as you may perceiue (saith he) by the controuersie betweene the Warden of the Mint, and the Mint-master, concerning the Standards of the sterling moneys of Siluer, and the base moneys lately made for the Realme of Ireland, which is grounded vpon the fineneſſe of the bullion reported by triall of the subtle Assay; whereunto I doe reply, That plaine things may be made intricate, for fineneſſe of Gold and Siluer is properly fine Gold and fine Siluer, and this is knowne by weight, which I doe thus demonstrate in the Siluer for both: *Posito*, that this peece of Siluer is fine Siluer, without any mixture of allay, and weigheth one pound weight of twelue ounces Troy: I hope you will call this to be twelue ounces fine, because it weigheth twelue ounces, which is the pound weight and fineneſſe also: now take away one ounce of this fine Siluer, and put so much Copper vnto it to melt them downe, as maketh vp the said pound againe twelue ounces in weight, you (knowing that there was but eleuen ounces of fine Siluer remaining) will make no difficultie to affirme that this is eleuen ounces fine Siluer, and one ounce of copper in the pound weight, and put the same to the triall of your subtle Assay and you shall find it so; is there any Mysterie in this? and he saith no, as I did propound it; and so is it if there be more or lesse allay in the pound weight accordingly: for the pound weight doth proportionate the whole masse, ingot, or lumpe of bullion call it what you will, as in the next Chapter of assayes shall be made more apparant. But, saith he, This

Fineneſſe of siluer what it is

doth

doth not cleere in my vnderſtanding, the buſineſſe which is in controuerſie betweene the Warden and the Maſter worker: for the Copple or Teaſt doth drinke in ſome two penny weight of Siluer with the Lead, and ſo there is ſo much hid from report: for the Bullion is that which maketh the moneys, and not the Siluer of the aſſay: So that the ſaid Bullion is finer in euery pound weight two peny weight, in value ſix pence halfe penny, and the twelfth part of a halfe penny; which is the cauſe, that the Maſter worker (being ſubtile and cunning) doth put into the melting pot, two penny weight of Copper in euerie pound, whereby he gaineth the weight of ſo much ſterling Siluer; now this gaine is the Kings, for with his Highneſſe moneys, this Bullion is bought of the ſubiects. And therefore the Warden doth charge the Mint-maſters account with two penny weight of Siluer in euery pound weight, and alloweth the ſame vnto the King, for the Mint-maſter is to account by the melting booke, where this allay of Copper is entred, according to the Indentures betweene the King and him. And ſo in the baſe moneys made for Ireland, whereof one of Siluer maketh foure of that moneys, he is charged in account eight penny weight of ſiluer, for euerie pound of the ſiluer Bullion: for the commixture of two ounces eighteene penny weight of ſiluer, and nine ounces, two penny weight of copper is found to anſwere that Standard of three ounces fine: And ſo doth eleuen ounces of ſiluer, and one ounce of allay anſwere the ſterling Standard; for there is great conſideration to be had, in the calculation of the ſiluer Bullion to the fire and from the fire: for eleuen ounces from the fire is ſet downe for Standard, to paſſe according to the indented triall peece, made by the ſworne officers, or refiners, and aſſay-maſters, thereunto heretofore appointed, whereof my ſelfe was one; which indented peece wee haue commixed accordingly of fine ſiluer, refined vpon a drie teaſt, and good copper or allay, and the ſame wee haue diuided into three parts; one part to remaine in the Kings Treaſurie at Weſtminſter, another part with the Warden of the Mint, and the third part with the Mint-maſter to make the moneys thereby, and all theſe things are done very orderly. There is no reaſon that the Mint-maſter ſhould pocket vp this benefit, which commeth almoſt to tenne thouſand pounds, and would haue been much more, if it had not been ſpied out in time for the Kings ſeruice. And then he concluded his ſpeech with an affirmation, That hee could take the ſaid two penny weight of ſiluer, out of the copple, which had drunke vp the ſame, or within a little leſſe of it; whereunto I made him ſuch an anſwere, as I had oftentimes vnderſtood of the Mint-maſter, and partly of mine owne knowledge concerning aſſayes, which I had obſerued and knowne aboue fortie yeares, my father alſo hauing beene a Mint-maſter, and I told him that all his allegations as abouesaid, ſhould and could be very well anſwered: For albeit that hee had alleaged many things concerning the State of the matter in queſtion, I would (according to the courſe of the Common Law) ioyne iſſue vpon one

Drinking in of the Teaſt or Copple.

Two penny weight of copper put in the commixture.

Account charged with two penny weight of ſiluer, in euery pound weight.

Melting Book.

Indentures.

Baſe moneys is eight penny weight in the pound of ſiluer Bullion.

Standards ſterling, and Iriſh.

From the fire, and to the fire.

Indented triall peeces of ſiluer ſterling and Baſe.

Commixture.

peremptorie point, to be tried by all vnderſtanding men : to which end I told him , That in Germanie and the Low Countreys there were certaine officers, called the Generalls of Mints, which did determine ſuch and the like queſtions and controuerſies, ariſing between the Wardens and the Mint-maſters, which were men of great knowledge and experience in Mint affaires, and had from the Prince large ſtipends giuen them for to attend theſe Mint buſineſſes, when the trialls of pixes, or of the boxes are made, and the Mint-maſters make their accounts with the Prince : Hereupon the ſaid Aſſay-maſter, according to his courteous behauiour, was very well pleaſed to heare me (as he ſaid) in fauour of Iuſtice and Truth. And ſo I began to anſwere *gradatim* and articularly, as followeth.

Generalls of the Mints beyond the Seas.

Drinking vp of the copple admitted.

Firſt, concerning the drinking vp of the copple; albeit that it appeareth vnto me (by certaine teſtimonialls made beyond the Seas, by Generalls, Wardens, Mint-maſters, and Aſſay-maſters) that if a copple or teaſt be well made it drinketh not vp any ſiluer at all: yet I will admit that it doth ſo, becauſe you are ſo confident, that you can take it out of the copple, or the moſt part of it, and ſo I will proceed.

Two penny weight of copper acknowledged to be put in.

Waſt of copper counteruaileth the copper put in.

Secondly, I do acknowledge that there is two pennie weight of Copper put into the melting pot, as you ſay, for it is commixed at twentie pennie weight, which is a full ounce, where the ſtandard requireth but eighteen pennie weight : but this is done to counteruaile the waſt of Copper, which commeth by melting of Bullion, remelting of the Brocage and Scizell, and by working, hammering, often nealing and blaunching of the moneys, whereby the moneys grow better in fineneſs than they were at the firſt melting, becauſe ſo much and more copper doth waſte; and can it waſte leſſe than ten ounces in one hundreth weight? No ſurely, which is the cauſe that the red Booke in the Exchequer for Mint affaires admitted this two penny weight for waſte, which is but ten ounces in the hundreth. And to ſay that this two penny weight of ſiluer is the cauſe that the Mint-maſter putteth in two penny weight of copper, it carrieth not any proportion to put one for one, when the mixture of the Standard is eleuen to one. But you reply vnto me, That the Mint-maſter is to beare all waſts, and therefore muſt anſwere the ſame, and be charged in account for it; I anſwere, That the accounts of all Mints are made only vpon the fineneſſe of moneys by their weights, and that it was neuer otherwiſe vſed in England vntill this day : and if the Warden will bring a new manner of account than euer hath beene taken according to the Leidger Booke of the Mint, and the Comptrollers Booke : then the Mint-maſter is to be charged with euery thing in his proper nature, ſiluer for ſiluer, and copper for copper; otherwiſe it were better for him not to put in any copper, than to be made to anſwere ſiluer for it : But the Mint-maſter muſt hold as well his allay as his fine ſiluer, according to the ſtatute 2. *H.* 6. ca. 2. and in doing otherwiſe, by not putting in of this two penny weight of copper,

Vnequall proportion.

All accounts are taken vp. on the fine matter onely.

Allay to be kept.

the

the moneys would be too fine, and the Maſter might incurre fine and ranſome. Therefore all Mint-maſters doe worke according to their remedies, and they do beare all waſts incident and caſuall, as if ſome ingots were falſified with copper within, as hath beene found at the Mint, the Mint-maſter muſt beare the aduenture of it, for Princes will be at a certaintie: which is the cauſe that the Mint-maſters may commix at their pleaſure thus farre, as the ſixteenth Article of the Indenture declareth, That euery pound weight Troy ſhall bee in ſuch ſort commixed and melted downe, that at the caſting out of the ſame into ingots, it ſhall be and hold eleuen ounces two penny weight of fine ſiluer, and eighteene penny weight of allay, euery pound containing twelue ounces, euery ounce twentie penny weight, and euery penny weight twentie foure graines, according to the computation of the pound weight Troy of England, which eleuen ounces two peny weight of fine ſiluer, and eighteene penny weight of allay in the pound weight of Troy aforeſaid, is the old right Standard of the moneys of ſiluer of England: and (that the commixture of the Mint-maſter hath beene done accordingly, ſo that it was found ſo at the caſting out) you beſt know what made the aſſayes thereof from time to time. As for your Melting booke where the allay is entred, if you will charge the Mint-maſter thereby, let it be done diſtinctly for ſiluer, and copper, or allay in his proper nature as is ſaid before, and then the controuerſie is ended. Now let vs come to the Standard of the Baſe moneys made for Ireland: I am ſure there is not two penny weight of copper put in, as in the ſterling Standard; but there is two penny weight of ſiluer by computation taken out, in euery quarter of a pound of ſiluer, which as you ſay is eight penny weight of ſiluer in the pound weight; why ſhould the Mint-maſters account be charged with this, where ſiluer by the diuiſion of the proportion is taken out, and two ounces eighteene penny weight, are taken for three ounces from the fire, as the Indenture declareth? Shall a Mint-maſter commixe and melt by preſcription, or ſuffer other men to melt it for him, and yet be made to anſwere for the fineneſſe of moneys according to an indented triall peece, made of refined fine ſiluer (as you ſay) and receiue neither ſiluer anſwerable in fineneſſe, nor the quantity which he ought to haue allowed him according to the Standard? I am ſure that in the making of theſe moneys, there hath beene aboue fortie ounces of copper waſted in one hundreth weight of the moneys made thereof, whereby the Bullion is growne finer, that is to ſay, Theſe fortie ounces of copper being waſted, haue left the ſiluer behind, wherewith they were commixed at the firſt, and ſo is the ſaid whole maſſe or bullion ſo much finer and richer in the proportion, which Arithmeticall diſtribution doth demonſtrate vnto mee, and in this ingot of courſe ſiluer may prooue it vnto you: let vs ſuppoſe it weigheth 16 ℔, and containeth 4 ℔ of ſiluer, and 12 ℔ of copper, and ſo may we ſay it is the fourth part ſiluer; if this ingot now ſhould be made to decreaſe or diminiſh 4 ℔ of copper, and ſo it ſhould

Hazard of Mint-maſters.

The Indenture of *Eliz.* Reg. xliij.

The old right ſterling Standard.

Siluer taken out by diuiſion of the ſtandard of Baſe monies

Great waſt of copper.

Demonſtration Arithmeticall.

ſhould weigh but 12 ℔, and therein ſtill containe all the foure pound in Siluer; may not we iuſtly call this to be richer, and ſay it is one third part of Siluer? and yet there is no more Siluer than before, and this wee call growne in fineſſe by the decreaſe of the maſſe or proportion: and ſo two ounces eighteene pennie weight of Siluer, commixed with nine ounces two pennie weight of Copper made into moneys, becommeth to be three ounces fine by the melting of the bullion, remelting of brocage and ſcizell, and by the working, hammering, often nealing and blaunching, which alwaies in baſe moneys is verie great, as experience hath proued; call you this poketting vp of almoſt tenne thouſand pounds? Well I am content to ioyne my iſſue hereupon, and to proue that the Mint-maſter hath not pocketted vp any benefit or gaine at all by this fineſſe of Siluer hid and vnreported in the bullion, but that he hath beene a looſer of ſo much as hath beene taken from him, by making him to anſwere Siluer for Copper. The commixture of theſe two ſtanderds are contraries, and contraries to worke all one effect, is ſtrange vnto me: with that he deſired me to go with him to the Aſſay-houſe to ſee the aſſays made of our Siluer and Gold, and thereto end our diſcourſe, whereof he ſeemed vnto me to be verie deſirous.

How Siluer doth increaſe in fineſſe.

Aboue nine thouſand pound.

## Chap. VII.

### *Of the Aſſayes of Bullion and Moneys.*

COmming to the Aſſay-houſe, there we found diuers gentlemen deſirous to ſee the manner of making of Aſſayes of Gold and Siluer, as alſo diuers Gold-Smiths which brought ſome ingots of Gold, but no Siluer at all, and here we were all courteouſly welcome, and our diſcourſe was interrupted, and the Aſſay-maſter deſired me to haue patience vntil his buſineſſe were ended with the Gold-ſmiths, and ſo he would make the Aſſayes of our Siluer firſt, and then come to the making of our Gold Aſſay, which he would firſt teaſt before he ſhould put ſome proportion of it to the triall of ſtrong-water. The little furnaces were fired, and the Aſſay-maſter tooke foure copples or teaſts, which are made of Bone-aſhes, & he did put them in the furnace quater corner wiſe, with the bottomes vpwards, and ſo let them remaine almoſt an houre vntill he

he had made an end with the Gold-smiths Assayes, to the end they should be throughly drie, to auoid the springing of the Siluer, and then he did turne them vpwards: and so cutting off some Siluer of our ingots on both sides, he did beate the same verie thin with a hammer, and weighing iustly the quantitie of fifteene graines, he diuided the same by euen portion of weight into halfe, and thereunto he tooke fiue times so much in thin purged Lead, and winding or inuoluing the Siluer therein, he did put the same vpon the seuerall copples two to two, and vpon the other two he did first put the Lead, and the Siluer afterwards when the Lead was molten, making no great difference in this: then with coales he did stop the furnace indifferently, neither too hot nor too cold, vntill it began to driue, and then he made it hotter, and finding it to appeare bright, hee brought the copples one after another to the mouth of the furnace, there he let them smoake a little, holding them out and in before he tooke them out: Then taking off this Siluer, he weighed them one against another, and found them alike, whereby he knew his Assay was well made; and then he weighed them both together, and what they weighed lesse (than before) was Copper wasted. And he reported our Siluer to be eleuen ounces and foure pennie weight fine by the true proportion of the pound weight, which is to be taken accordingly in the whole ingot, weighing some fortie pound weight; so that euerie pound of it did containe eleuen ounces foure pennie weight of fine Siluer, and sixteene pennie weight of Copper, making together twelue ounces for the pound, Troy weight: and so is fineste knowne by weight, and is properly fine Siluer as aforesaid. Hereupon I did aske him, whether the copple had drunke vp some little quantitie of Siluer which might amount to two pennie weight in the pound weight of sterling Siluer by the computation of Siluer of seuerall fineste: and he answered me, it had without all doubt. The other Siluer Assay he reported to be but eleuen ounces fine.

How to make the Assayes of Siluer.

After this, he tooke in like manner fifteene graines of our ingot of Gold, and putting the same to the teast, as aforesaid, to purge the Copper, (which he did with a hotter fire) he did beat the Gold with a hammer verie thin, that he could wind it vpon a little sticke round, to make it go through the necke of the glasse, and to worke the better: and hereunto he tooke twentie graines of verie fine Siluer in like manner, and put them all together into the viall or glasse, and hereupon he did poure some strong-water, and put the same vpon coales, and there it did smoake and stand vntill it did smoak no more, and then it had wrought and separated the Siluer from the Gold, which remained whole, and the Siluer was turned into water; then he did poure out that water into another glasse with raine-water, which diuided your Siluer from the strong-water againe, and weighed the Gold againe, reporting the same to be twentie and three Carrats fine, by the calculation vpon the ballance of his subtle Assay: and then we went vp to deliuer our Siluer and Gold to the Warden

To make the Assayes of Gold.

To diuide Siluer from strong-water.

of

of the Mint, whereof entrie was made in diuers and ſeuerall bookes of the Warden, Comptroller, Mint-maſter, and Aſſay-maſter; and the Mint-maſter did deliuer bills of the weight and fineſſe thereof vnder his hand to the Warden of the Mint, where we ſtayed to ſee our ſiluer molten and caſt into ingots, for to be deliuered to the moneyers to ſheire the ſame by weight into ſmall peeces for twelue pences & ſix pences: for it was allayed according to the ſterling ſtandard, and the Aſſay-maſter made another Aſſay of it (called the pot Aſſay) and found the ſame to be ſtandard, whereupon we tooke our leaue and departed: and here alſo he affirmed vnto me, that the copple had drunke in the like ſmall proportion of ſiluer. The next weeke following I went to receiue my ſatisfaction in coyned moneys, which were brought vp to the Warden, and he peruſed them, whether they were well coyned without crackes or flawes, and as the Monyers brought them vp in trayes, he tooke out ſome peeces not well made and cut them a ſunder with a ſheire, and ſome peeces he weighed, and then tooke ſome other peeces and put them through a hole into a box kept vnder ſeuerall keyes, and ſome peeces he deliuered to the Aſſay-maſter to make triall of. And after I had receiued my money by weight for weight of my bullion, I went to the Aſſay-maſter and ſaw him make an Aſſay of the ſaid moneys in like manner as the other, with fiue parts of lead, and hereupon I tooke occaſion to aske him, whether the laſt and ſupreme triall of the moneys (which was made commonly once a yeare before the Lords at the Star-chamber) was done in like manner? And he anſwered me, it was, and withall he deſired me to reſolue the queſtion betweene the Warden and the Mint-maſter, concerning the two pennie weight of ſiluer hid from report (as it is ſuppoſed) according to our former conference? I told him, that according to the iſſue ioyned between him and me, that the Mint-maſter had not pocketted vp any ſuch two pennie weight of ſiluer (as his account was charged withall) I would make that plaine by demonſtration, which he ſaid was his deſire, whereupon I framed my anſwere as followeth.

The Pot Aſſay.

Aſſay of moneys.

Triall of the Pixe.

I make no doubt (ſir) but you haue marked my obſeruations of the foure ſeuerall Aſſayes made concerning bullion and money, namely, the firſt of the Ingot before melting, the ſecond of the pot Aſſay after melting, the third of the moneys compleate made thereof, and the fourth and ſupreme triall of moneys at the Star-chamber (as it were) before the King and his Councell, all which (being done in manner alike) you haue from time to time told me, that their operation or effect was alſo alike: for the triall of the Ingot, there the copple had drunke in two pennie weight of ſiluer: for the Pot Aſſay, there two pennie weight was drunke in alſo: the Aſſay made of the compleat moneys hath drunke in the like two pennie weight: and laſt of all the higheſt triall of all hath drunke in the like two pennie weight of ſiluer; how can it then be pocketted vp by the Mint-maſter, when it was in the bullion, remaining in the pot, found in the moneys,

Foure Aſſayes of bullion and money.

neys, and confirmed to be so by the supremest trial: and why should the Mint-Masters account bee charged, either with an imaginarie or substantiall thing which he never had or inioyed? To this the Assay-master answering (rather by signes than words) said, It was otherwise taken and vnderstood, and himselfe tooke now better notice of it, and wished that Truth might prevaile, according to the saying, *Magna est veritas, prevalet, prevalebit & prevaluit*; and so ended our supposed discourse. A Tacite Resolution.

Now let vs come to the mysteries of the Mints beyond the seas, to recompence them that might take offence for discussing the premisses; and let vs be like *Nathaniel*, in whom there was no guile, *Qui vidit plane, audit sane*; howbeit discretion is requisite. The assayes beyond the seas, are most made according to the proportion of the marke, which is eight ounces Troy; and they take twentie graines to make their assayes by, which is correspondent with our fifteene graines; for they diuide their English or penny weight in thirtie two Ases or graines, which from twentie foure vnto thirtie two, differeth one third part; so is fifteene vnto twentie also a third part: For this marke weight of eight ounces is twofold; the one is called English weight, and the other French weight in the Low Countreys. But the English weight is most vsed, which is diuided into eight ounces, euery ounce twentie English or penny weight, and euery English thirtie two graines as aforesaid is, 5120 graines to the marke. This marke and one halfe maketh (within a little) our twelue ounces Troy for the pound weight, being in graines 7680. Thirtie two grains beyond the seas, is more than 24 grains with vs. English marke

The French weight called penny weight, is also eight ounces, euery ounce foure and twentie penny weight, and euery penny weight twentie foure graines is, 6912 graines for the twelue ounces, or 4608 graines for the eight ounces. These graines are also diuided in twentie foure Garobes or Primes, and the Primes in twentie foure Seconds, and the Seconds in 24 Tercies or Malloquen, which is superfluous; notwithstanding all the said weights and diuisions (to make assayes) they vse another weight, which euery man maketh according to his fancie: but most commonly they will diuide the marke in twelue deniers or pence, and the penny into twentie foure graines, and then graines subdiuided of paper, making $\frac{1}{2}$ $\frac{1}{10}$ and $\frac{1}{12}$ part of a graine, which concurreth neerest with our assay weight; for if one pound of siluer doe containe $\frac{1}{11}$ part copper, they call this eleuen deniers fine, as we say eleuen ounces fine. French marke. Assay weight.

For the gold likewise they doe vse the same weight, accounting for euery denier or penny weight two carrats; so twentie foure carrats for twelue deniers or ounces, and consequently eleuen deniers is twentie two carrats, &c. So the gold marke is twentie foure carrats, a carrat is twelue graines, so 288 in the marke: So the siluer marke of twelue deniers of twentie foure graines, are 288 graines also, which are bigger graines, diuided into foure Primes or Siliquas is, 1152. Gold marke. Siluer marke.

They

Marke pound.

They vſe alſo a manner of ſpeech to ſay, Twelue ſhillings to the marke pound, euerie ſhilling twelue pence, and euery penny twentie foure graines, is 3456 graines in the marke; all which is done to make the knowledge of theſe things intricate. In like manner for the

Sheire monies

ſheiring of their moneys, they will for euery peece make a penny, as if there be made ſeuentie eight peeces out of a marke, they will ſay it holdeth ſixe ſhillings and ſixe pence in the ſheire, or for 62 peeces fiue ſhillings two pence, and ſo obſcure things to take aduantage vpon others. For the Mint-maſters of the Low Countreys and Germanie, are verie experienced in Mint matters, and the aſſayes being made vpon the graines, may deceiue much if (by triall) the calculation be not rightly made; and if the ſaid Mint-maſters were not ſubtile, yet the Generalls, which follow the Prince or State, doe nothing elſe but ſtudie theſe things alwaies: therefore let vs obſerue more particulars of their proceedings as followeth.

In the making of coynes of gold and ſiluer, they will vſe many times to make peeces of fine gold and courſer gold; as the Emperiall Royall and the halfe Royall, the one twentie three carrats 3½ grains, and the other but eighteene carrats, or the Flanders Crowne of 22 carrats. In Germanie the ducat and the gold guildren, which for workes being mixed are ſeruiceable, admitting by conniuence the melting of the moneys, rather than for want of it Bullion ſhould not be brought to their Mints, therefore they alſo take little for the coynage, becauſe it ſhould ſooner come vnto them than vnto other Minters, where the coynage or ſeignoriage is great: and albeit the ſame bee but ſmall, yet will they find meanes to make other Princes to pay the ſame, and cauſe moneys to be made for tranſportation, eſpecially for the Eaſt countreys to buy corne to bring the ſame vnto their Magazins, whereby trade is increaſed, and Spaine and Portugall ſupplieth the ſame, by ſuffering moneys to bee alſo tranſported in the returne of corne, whereby Cuſtomes doe alſo augment. The Box for moneys is kept vnder three ſeuerall keyes or locks, by the Warden, Mint-maſter, and Comptroller; wherein the Warden taketh of euery Iourney of worke, one, two, or more peeces, according to his inſtruction, to make the laſt triall by before the Lords or Eſtates. The Mint-maſters haue ſome remedies allowed them for the making of moneys, either for being too feeble and vnder the Standard, or for being better and aboue Standard. And heereupon they alwayes worke by commixing it accordingly, whereof they haue an abſolute power, wherewith neither the Warden nor the Comptroller are to meddle: for Princes and States will not be vpon vncertainties with the Mint-maſter, for he muſt beare all caſualties vpon their remedies; with certaine cautions, That if it be aboue the ſaid remedies, and feebler one halfe penny weight, he payeth double; and for the double of that, quadruple; and if it be aboue that, hee is ſubiect ouer and aboue to puniſhment.

Moneys made for tranſportation.

Remedies for Mint-maſters.

When the triall of the Box is made, if there be quantitie of coyne

to

to auoid the multiplicitie of assayes, motion is made to the Master, whether by one marke indifferently taken of euerie *species* of coyne, hee will be concluded for the whole quantitie of the worke; whereunto condiscending, the markes are weighed out accordingly, and the peeces are told, and the assay is thereupon made, and the totall worke is reported to be accordingly. The like is done in England, obseruing the works by the priuie marke of the Rose, Mallet, Crosse or any other, which is recorded in the Exchequer vpon the said trials of the pixes. Priuie marke of moneys.

The Assay-masters receiuing Bullion of ten or eleuen ounces fine, make their assayes with fiue parts of Lead, if it be of sixe or seuen ounces they will take eight parts of Lead, if three or foure ounces, then fifteene parts of Lead, and if vnder they will take twentie parts of Lead: But this Lead is first to be purged, because all Lead holdeth some little Siluer and Gold as hath been noted. So for Gold (if need be) more strong-water may be added, which may serue once againe for triall. Lead for the triall of Siluer Assayes.

Their strong-water called *Aqua fortis*, is made two parts calcined Vitrioll, one part Salniter, and halfe a part of Allome calcined and distilled as the manner is: but for Gold they vse *Aqua Regis*, which hath the same proportion as abouesaid, but there is one fourth of a part of Sall Armoniake added thereunto, and vpon their trialls they vse to report halfe a graine for the Masters benefit, which must needs be a graine where fractions are not vsed in cipher, especially with vs, for there is for Siluer nothing reported abouetwelue graines, which is the halfe penny weight, which is done to haue the accounts cleerer, and withall, there is no Bullion receiued in the Mint vnder nine ounces fine, whereas beyond the Seas (though it be neuer so base) it is receiued, and the rules for calculation are easie and briefe; which to auoid prolixitie I doe here omit. *Aqua fortis.* *Aqua Regis.* Base Bullion.

In the melting of Gold, obserue to melt the same first before you put your Siluer allay vnto it, and let the finest Gold lye vpwards in the crusible or pot, to haue lesse waste and better mixing, for the finest Gold is heauiest and seeketh the center; let no wind come to your melting pot or crusible for feare of breaking, and take fine Siluer for your allay, wherein there is neither Lead, nor Brasse, or Laten, which maketh your Gold brittle and bringeth a losse to make the same malliable, albeit to make it tough is no charge. For take but an old shoo, and cut the same into small peeces, and put the same into your crusible, and stop it vp with a couer, let it stand vpon the fire, & it taketh away the eagrenesse of Brasse: Euen as a hot browne loafe of bread cut asunder and clapt ouer the bom-hole of a hogshead of wine (tasting of the caske) will cure the same of his fowle taste. Obseruations for melting of Gold.

Gold-smiths are appointed to worke Gold of twentie two carrats fine, but the triall is made by the touch-stone onely, with an obseruation of the rubbing-strokes vpon it to bee alike and of the same strength, which is worthie the obseruation, for otherwise you can Triall of the Touchstone.

giue no true iudgement. There is also an easie scaling of Gold to be made to fall from the Siluer, as it was layed on by the meanes of Quicksiluer.

To take the figure of coyne. To take the figure or print of a peece of coyne, take Lampblacke and Vernice, such as the Painters doe vse; annoint the coyne with it, put your paper vpon Lead and print thereupon.

*To refine Gold with Cementation without Strong-water, which is costly.*

TAke eight pound of Flanders Tiles, three marke Copperas, 1 ½ marke, Allome, ¾ of a marke of Salt, and two ounces Saltpeter; all being mingled and calcined together, take a great crusible, put this Cement one finger thicke in the bottome, then lay some of your Gold beaten thin (or if it be golden coyne) vpon it, and then of your Cement againe vpon that, and thereupon Gold againe, which the Alcumists call *Stratum super stratum*, and couer your crusible with tiles leauing a little hole: then begin *Lento igne*, and afterwards with a great fire let it stand foure, fiue, or more houres, and all the Allay will be in the Cement; to take the Siluer out of the Cement, take foure markes Cement, and three marke Potters Lead; two marke of Tiles, foure ounces of Dodecum, foure ounces Saltpeter, and doe as before: or else you may take out the Siluer by quicksiluer, as I haue declared in the former Chapters.

The coyne remaineth with the print whole.

Blanching of Siluer. To blaunch Siluer in a basin of red Copper, which must be done before it be coyned; take foure gallons of raine-water, two marke of red Tartar or Argall, and one marke salt, cast your Plates (being red hot therein) and stirre the same, as you did before in the dissolution vntill you find the same white enough; and after it is coyned then you must colour it, putting the same into great trayes, and with water sprinkling them vntill they be moist, but not wet; then put the colour vpon it tossing and tumbling them, and being put into a Melting pot, let them be red hot, and then cast them into water: To make this colour, take to twentie pound weight of money, three ounces of Sall Armoniake, two ounces Saltpeter, halfe an ounce Verdegreis, and halfe an ounce Copperas, calcine them together for that purpose, &c.

To colour Siluer.

Refining by a great Teast. To conclude with the refining of Siluer with a great Teast, which must be red hot two or three houres, trying the same with Lead if it doe not spring, the Teast must bee for double the quantitie of your course Siluer, and accordingly you are to take more or lesse Lead: to driue out three pound of Copper is twentie foure pound Lead requisite, but is not to be put all at once; then blow vntill the same doe driue off and the Siluer remaineth, which take out suddenly, &c.

(***)

CHAP.

## CHAP. VIII.

### *Of the weight and fineſſe of Moneys, and their ſeuerall Standards.*

IT is now twentie yeares compleate ſince *Thomas* Lord *Knyuet*, ſir *Richard Martin*, and diuers other Knights and Aldermen of the citie of London, and maſter *Iohn Williams* his maieſties Goldſmith, and my ſelfe were in Commiſſion, to conſider of the Mint affaires of the Tower of London, and of the cauſes of the tranſportation of the moneyes of the realme, and of conuenient remedies to preuent the ſame. The cauſes were obſerued to be ſix, whereof the Weight was the firſt; next the Fineſſe of our ſtandard; then the Valuation of moneys, and therein the proportion betweene Gold and Siluer; fourthly the abuſe of Exchange for moneys by bills, wherein all the former were included: for we all did ſet downe, that the difference of Weight, Fineſſe, Valuation, and Diſproportion aforeſaid, were not of themſelues true cauſes of Exportation, if there were betwixt countries and countrie a due courſe holden in the exchange of money; but that due courſe not being obſerued, then they might accidentally be cauſes. And this courſe was the cauſe of the ouerballancing of forreine commodities, increaſed by the immoderate vſe of them, and neglect to ſet the people on worke; ſo that the remedie was wholly found to conſiſt in reforming the abuſe of Exchange, whereof I haue handled at large in the third part of this booke for Exchanges.

According to our certificate.

Hereupon conferring the pound weight Troy of 12 ounces with the marke weight of eight ounces, admitting one marke and a halfe for the ſaid pound, we found, with France full three pennie weight, ours to be heauier, and the Low-countries and Germanie 2½ pennie weight or thereabouts, with Scotland foure pennie weight and nine graines, and alwaies heauier than any other.

This agreeth with an inſtruction declared in an old Booke concerning Mint matters in the time of King *Edward* 3, where it is demaunded, What benefit it would be to the King and realme, if the Troy weight of this realme, and the Troy weight of Fraunce, Flaunders, Spaine, and Almayne, and of other realmes and countries were of

Ouer heauines of the weight Troy.

equall weight and size? For as much as other countries keep one size and weight, whereas the Troy weight of England is heauier in euerie eight ounces by halfe a quarter of an ounce. It is answered, that the Merchant that brings in bullion doth loose so much, and the calculation is made what it was for euerie hundreth weight both for gold and siluer, and it followeth there. Wherefore this is one great cause that so little bullion comes into the realme, and therefore may it please the King to deuise some weight that should be correspondent to the weight of other realmes, and call it by some other name than by the Troy weight.

A Mint Kalender.

And it is there thought meet, that (for information of Merchants and others) a Kalender should be made and published, to shew how much euerie pound weight, ounce, and pennie weight is worth, that the true valuation of Gold and Siluer may be thereby perfectly knowne, wherby Merchants and other persons shall giue honour and praise to the King and his Councell for Equitie and Iustice shewed in the Mint.

Tower weight.

There hath been vsed from the beginning (in the Mint) both Troy and Tower weight, each of them containing twelue ounces in the pound weight, sauing that the Troy weight is heauier by sixteen penie weight vpon the pound weight: by which Troy weight the merchants bought their gold and siluer abroad, and by the same did deliuer it to the Kings mint, receiuing in counterpeaze but tower weight for Troy, which was the Princes Prerogatiue, gayning thereby full three quarters of an ounce in the exchanges of each pound weight conuerted into moneys, besides the gaine of coynage, which did rise to a great reuenue, making of thirtie pound weight Troyes, thirtie and two pound weight Towers; which is now out of vse, and the Troy weight is onely vsed, containing twelue ounces, euerie ounce twentie penie weight, euerie penie weight twentie and foure grains, and euery grain twenty mites, euery mite twenty and foure droicts, euerie droict twentie periods, euerie period twentie and foure blanks, although superfluous (but in the diuision of the subtile assay) which in Scotland are all diuided by twentie and foure, from the denier whereof they reckon twentie and foure to the pound Troy, so twentie and foure graines, Primes, Seconds, Thirds, and Fourths all by twentie and foure. And for the marke and pound weight of other countries I do refer the reader to the fourth chapter of weights and measures of the first part of this booke.

Subdiuision of the pound weight Troy.

Concerning the pound weight for fineſſe and allay, let vs note that these two make properly the pound weight, as being distinguished therein: for if it be one pound of fine siluer, it weigheth 12 ounces, and it is likewise 12 ounces fine: but if there be 2 ounces of copper in that pound, then is there but 10 ounces of siluer, and so called 10 ounces fine, and so if there be 10 ounces 16 pennie weight of siluer, and so called in fineſſe, then is there one ounce foure pennie weight in copper; and so for all other fineſſes accordingly.

Diuision of the pound Troy in fineſſe.

The

The like is for the Gold, whereof the ſaid pound is diuided into twelue ounces, or twentie and foure carrats, being two carrats for one ounce, and euerie carrat is diuided with vs into foure graines, and fineſſe accordingly.

From this generall weight of the pound, is deriued the ſpeciall weight of the peece according to the ſtandard, wherein (after that the commixture is made for fineſſe) the peeces muſt concur in value, and thereby is the ſpeciall weight knowne of the peece, whereby the monyers cut their peeces, it being the direction for the ſheire vnto them, which peeces they cut by their weight deliuered them accordingly: and herein they are to vſe good and exact ſizing, to preuent the culling of moneys for the tranſporter, or the gold-ſmiths for melting them for to conuert into plate. Generall weight. Special weight. The Sheire.

Concerning the fineſſe of the moneys of other countries, with their weight and number of peeces in the Marke of eight ounces, (which I haue reduced to the pound Troy of twelue ounces) I haue here made a plain declaration as followeth, to inſtruct all Merchants and Gold-ſmiths therein, for the common good; obſeruing that ſome men (not ouer wiſe in Mint affaires) perceiuing the Marke to be diuided into 24 carrats for gold, and that one Marke and a halfe are taken to the pound of 12 ounces, they haue done the like for fineſſe, and (vnaduiſedly) termed gold thirtie and ſix carrats fine, which is exorbitant of the generall obſeruation. What 36 carrats fine is.

Touching the ſeuerall ſtandards of money in other countries (as you may ſee by the contents of the ſaid declaration, whereby a man ſhall many times receiue coynes of aboue twentie ſtandards in one hundreth pounds) it is the onely fallacie in exchange that can bee, whereby no merchant is able to know whether hee haue the true value of the ſumme to be paied him: but he is carried with the ſtreame of valuation and tolleration of money to goe currant, as in the next Chapter ſhall be declared; and all men commonly haue a regard to the great moneys vſed in euerie countrie, making account that other ſmaller moneys haue their true valuation thereafter.

As the *Philip* Dollers of ten ounces fine, and $7\frac{2}{24}$ peeces to the Marke. Standards of forreine coyne

The Holland Dollers of nine ounces fine, and $8\frac{1}{2}$ peeces in the Marke.

The Spaniſh Royall of eleuen ounces foure pennie weight, and nine peeces the Marke.

The Gueldres and Frizeland Dollers of ten ounces foure pennie weight, and $9\frac{1}{2}$ peeces.

The Shillings of Zeland of ſixe ounces fine, and thirtie and eight peeces the Marke.

The Golden Royall of twentie and three carrats $3\frac{1}{2}$ graines fine, and fortie and ſix peeces the Marke.

The French Crowne of twentie and two carrats fine, and ſeuentie and two peeces in the Marke.

The golden Rider of the States of twentie and two carrats, and twentie and foure in the Marke.

The Albertins or Ducats of *Albertus* of twentie and three carrats, $3\frac{1}{2}$ graines fine, and being seuentie peeces in the Marke, or thirtie and fiue double peeces.

And their daily new coynes which they make of seuerall standards which requireth a vigilant eye: but we haue shunned industrie and labour, which is the cause that (contrarie to my first intention) I abreuiate some things.

*A Declaration of the coynes of gold, concerning their fineſſe, and number of peeces in the pound weight of twelue ounces Troy, euerie ounce containing twentie pennie weight, and euerie pennie weight twentie and foure graines in weight, and in fineſſe twentie and foure carrats, and euerie carrat foure graines; calculated for the forreine coyne vpon the marke weight of eight ounces, euerie ounce twentie Engliſh, and euerie Engliſh thirtie and two azes for the pound weight, and in fineſſe twentie and foure carrats, and euerie carrat twelue graines, vnneceſſarie fractions omitted.*

THe imperiall Royall of gold alwaies accounted equall with the Engliſh Angell in fineſſe, and in weight but a little differing of twentie and three carrats, three graines $\frac{1}{2}$, and fixtie and nine peeces weighing twelue ounces Troy.

The halfe Royall is but eighteene carrats in fineſſe, and $105\frac{1}{2}$ peeces to the pound weight.

The *Carolus* Guildren being $\frac{2}{3}$ parts of it, but foureteene carrats fine, and 126 peeces.

The Roſe Noble of England twentie and three carrats $3\frac{1}{4}$ graines fine, and $46\frac{1}{2}$ peeces to the pound.

The double Royall of Auſtria of twentie and three carrats $3\frac{1}{2}$ graines fine, and $24\frac{1}{4}$ peeces to the pound.

The Nobles of Holland, Vtrech and Ouerryſel twentie and three carrats, three graines, and fortie and eight peeces.

The gold Guildren of eighteene carrats, three graines ſcarce in fineſſe, and $112\frac{1}{2}$ peeces.

The halfe Noble or Hungarie Ducat, twentie and three carrats, $3\frac{1}{4}$ graines fine, and $113\frac{1}{2}$ peeces.

The Biſhops ducat fine twentie and three carrats $\frac{1}{2}$, and 105 peeces to the pound weight.

The Ducats of Italie, Venice, Turkie, and Rome twentie and three carrats, three graines, and $106\frac{1}{2}$ peeces: other Italian ducats, and the ducats of Guelders twentie and three carrats, one graine, and $106\frac{1}{2}$ peeces.

The Angell of England of Queene *Elizabeth* twentie and three carrats, $3\frac{1}{2}$ graines, and ſeuentie two peeces.

The

The Soueraigne of the ſaid Queene, twentie and two carrats fine, and ſixtie peeces to the pound.

The old Soueraignes of more weight, twentie and two carrats fine, and 54¼ peeces.

The halfe Soueraigne fine but twentie carrats, and 120 peeces to the pound.

The Angell with the O. is but 23 carrats fine, and 72 ſcarce to the pound.

The Angell with three Lions 22 carrat fine, and 78 peeces to the pound weight.

The halfe Noble, with the Lions and the Noble of Bridges 23 carrats, and 88 ½ peeces.

The *Andrew* Guilder fine eighteene carrats, three graines, and one graine, ſome peeces 108.

The *Gulielmus* Gilder fine eighteene carrats, one graine, and 108 peeces to the pound.

The Gold Guilder of the States twentie carrats fine, and 120¼ peeces to the pound.

The Golden Fleece or Toyſon d'or 23 carrats three graines ¼ and 81 ½ peeces.

The *Phillips* Guildren fine fifteene carrats three graines, and 111 peeces to the pound.

The *Ioannes* Guildren fine ſixteene carrats, and 109½ peeces to the pound.

The Nobles of Gaunt and Zealand twentie three carrats fine, and fiftie foure peeces.

The halfe Imperiall Crowne twentie two carrats, 1½ graines, and 107½ peeces.

The *Henricus* Noble of England twentie three carrats 3½ graines, and 53¼ peeces.

The old Engliſh Crowne ſomewhat better than twentie two carrats fine, and 100½ peeces.

The *Henry* Noble of France twentie two carrats fine, and fiftie one peeces to the pound.

The halfe *Henry* Noble fine twentie two carrats, 2½ graines, and 108 peeces to the pound.

The Floret Crowne of France twentie three carrats, 3 graines, and 100½ peeces.

The *Charles* French Crowne twentie three carrats, three graines fine, and 100½ peeces.

The Floret of France ſtanding twentie two carrats, and 100½ peeces to the pound.

The old Golden Lion of Flanders twentie three carrats, three graines, and 79¼ peeces.

The ducat of Caſtile twentie three carrats, three graines fine, and 79¼ peeces likewiſe.

The Spaniſh ducat 23 carrats, two graines fine, and 105 peeces to the pound.

The

The Holland ducat twentie three carrats, two grains fine, and 105 peeces likewise.

The double ducat of Zealand twentie three carrats ½ fine, and 52 ½ peeces to the pound.

The ducats of Nauarre, Majorca, and others twentie three carrats, one graine, and 52 ½ peeces.

The Spaniſh Piſtolets twentie two carrats fine, and 108 peeces to the pound.

The Milreys ducat of Portugall twentie two carrats, one graine fine, and fortie eight peeces to the pound.

The Contrefait Milreys is but twentie one carrat fine, and likewiſe fortie eight peeces.

The *Emanuel* ducat of Portugall twentie three carrats, 3 graines, and 105 peeces to the pound.

The *Emanuel* great Cruſate of Portugall twentie three carrats, three graines, and 10 ½ peeces.

The *Ioannes* great Cruſate is but twentie two carrats, three graines fine, and 10 ½ peeces.

The ducat, with the ſhort Croſſe of Portugall twentie two carrats, three graines, and 105 peeces.

The ducat, with the long Croſſe twentie two carrats, one graine fine, and likewiſe 105 peeces.

The ducat with the long Croſſe of Batenborgh nineteene carrats fine, and 105 peeces.

The Piſtolets of Italy twentie two carrats, and ſome twentie one carrat 2 ½ graines, and 108 peeces.

The Flemiſh Ryder twentie three carrats, three graines fine, and 105 peeces to the pound.

The Guilders and Vriſland Ryders, of the yeare 1583 fine, twentie one carrats, and 108 peeces.

The Ryder of Burgandie twentie three carrats ½ fine, and 105 peeces to the pound.

The Engliſh Salut and the halfe, twentie three carrats, three grains, and 108 peeces.

The Schuytken or Ship of Flanders twentie two carrats, one grain fine, and 109 ½ peeces.

The Ryder of Guilders } Of fourteene carrats fine, and 114 peeces to the pound.
The *Phillip* Clincart }

The Ryder of Deuenter, Campen, and Swoll twelue carrats, three graines, and 114 peeces.

Dauid guil. { Of Trier is 17 carrats, 2 graines / Of Vtrecht 16 carrats fine —— / Of the Harpe 15 carrats fine —— } and 114 peeces to the pound weight.

The *Peter* of Louaine of 17 ½ carrats fine, and likewiſe 114 peeces to the pound.

The Clemmer guilder of 13 carrats fine and 114 peeces.

The

The *Fredericke* of Beyeren guilder fourteene carrats, and 117 peeces to the pound.

The *Arnaldus* guilder twelue carrats fine, and 138 peeces to the pound.

The Postulat of Bourbon 12 ½ carrats fine, and 136 ½ peeces to the pound.

| | | |
|---|---|---|
| The Postulats — Of Horne | 10 ½ Carrats | fine, & 138 peeces to the pound |
| Of Guliers | 9 Carrats 3 graines | |
| Of Cleue | 9 Carrats ½ graines | |
| Of Fran. Friar- | 9 Carrats | |
| Of the Dog and Cat | 12 ½ carrat fine, and 136 ½ peeces. | |

The nine Stiuers peeces of Batenborgh and Friſe, ſeuen carrats, one graine, and 176 peeces.

The *Gulielmus* ducat of Batenborgh twentie one carrats, three graines, and 52 ½ peeces.

The other ducat of *Stephanus*, but nineteene carrats ½ graine, and 52 ½ peeces.

The ducat of Nimeghen with *Stephen*, twentie one carrats, one graine, and 52 ½ peeces.

The new ducats of Saint *Victor Pancratius*, *Vict.* Batenborgh, *W. B. Margarite Toren*, *Petrus Rechem*, *George Rechem*, twentie one carrats, three graines, and 106 ½ peeces.

| | | |
|---|---|---|
| The ducats *Victor H. B.* | 20 ½ Carrats fine | and all 106 ½ peeces to the pound. |
| Water ducats and the ½ | 20 ½ Carrats fine | |
| *Marie* of Batenborgh | 20 ½ Carrats fine | |
| Ducat wirh the Checker | 20 Carrats fine | |
| Ducat of Denmarke | 20 Carrats fine | |
| *Pancratius Alleb. H.* | 19 ½ Carrats fine | |
| *Oſwald* ducat Cuſa | 19 ½ Carrats fine | |

The Ducat of Nimmeghen 1569 fine, eighteene carrats, two graines, and 108 peeces.

| | | |
|---|---|---|
| New angells coyned heretofore — Of Thoren- | 22 Carrats 1 ½ graines | And all 72 peeces to the pound. |
| Of Horne | 22 Carrats 1 ½ graines | |
| Of Batenb. | 21 Carrats 3 graines | |
| Of Viana | 18 Carrats 3 graines | |
| Of *H. M.* | 17 Carrats | |

The Scots Piſtolet nineteene carrats, two graines ½ fine, and 108 peeces to the pound.

The Ryder with the Loaues fine 10 ½ carrats, and 114 peeces to the pound.

The Piſtolets, Dilege and Legion, fine, eighteene carrats, and 108 peeces to the pound.

The

The ducats *Ferdinand* of Batenborgh 19 ½ carrats, and 106 ½ peeces to the pound.

The ducats *Ferdinand* and *Carolus* of Horne eighteene carrats, and 106 ½ peeces to the pound.

The double ducat of *Albertus* of *Austria* twentie three carrats, 3 graines fine, 52 ½ peeces.

The single ducat of *Albertus* of Austria twentie three carrats, three graines, and 78 ¼ peeces.

The double third parts of the said double ducats twentie three carrats, three graines, and 70 ½ peeces.

The single third part of the said ducat twentie three carrats, three graines, and 126 peeces to the pound.

The Vnite peece, called *Iacobus* of England twentie two carrats, and thirtie six peeces to the pound.

The Ryder of the vnited Low Prouinces also twentie two carrats, and 36 peeces to the pound.

The halfe *Iacobus* and Ryders accordingly in fineneſſe and peeces.

The ducats of the Eſtates of the vnited Prouinces, with the Letters, 22 carrats, and 105 peeces.

The new twentie ſhilling peeces of England twentie two carrats fine, and 39 ⅓ peeces.

The halfe and fourth part of it accordingly.

The Scots peece of the Croſſe Daggers twentie two carrats fine, and 72 peeces to the pound.

The Scots Rider of twentie two carrats, and ſome of the fineneſſe of the Scots Piſtolet.

Note, that here are ſet down many *Species* or Peeces of gold, which are little or none at all to be found: And although ſome are found in great quantitie; yet are they not made currant in the vnited Prouinces, by their laſt valuation of the one & twentith day of Iuly 1622 hereafter declared. The like is in the Reconciled Prouinces vnder the Arch-Dutches *Iſabella Clara Eugenia* of Auſtria, as alſo in Germanie; ſo that the generall knowledge of them all, may giue to euerie man better ſatisfaction. And the like muſt be vnderſtood of the Siluer Coynes of all Countreys hereafter declared, with ſome addition of meere Copper Coynes. And whereas the Stiuer is the fundamentall Coyne, whereof twentie make the Guilder, it is to be obſerued, That ſixteene Copper pence are reckoned in Holland and thoſe vnited Prouinces for one Stiuer, and ſo is the ſaid Stiuer two Groats Flemmiſh, called halfe Stiuers, euerie halfe Stiuer eight pence Hollandts: alſo twentie foure Mites is a Stiuer in the other Countreys, &c.

*A Declaration of the coynes of Siluer, concerning their fineſſe, and number of peeces in the pound weight of twelue ounces Troy, euerie ounce weighing twentie pennie waight, and euerie pennie weight twentie and foure graines, and containing likewiſe in fineſſe twelue ounces, euerie ounce twentie pennie weight, and euerie pennie weight twentie and foure graines; calculated for the ſouereine coyne vpon the marke weight of eight ounces, euerie ounce twentie pennie weight, and euerie pennie weight twentie and foure graines in weight, and likewiſe in fineſſe twelue ounces twentie pennie weight, and 24 grains, vnneceſſarie fractions omitted, as neere as conueniently could be computated &c.*

THe *Philip* Doller tenne ounces fine, and $10\frac{1}{7}$ peeces to the pound weight, The halfe, the fourth, the fifth, and tenth part accordingly, that is to ſay, all of ten ounces fine, and peeces $21\frac{1}{7}$, $42\frac{6}{7}$, $53\frac{4}{7}$, and $107\frac{1}{7}$ to the pound

The twentieth part of the ſaid Doller fiue ounces fine, and $107\frac{1}{4}$ peeces to the pound,

The fortieth part of the ſaid Doller, fiue ounces fine, and $214\frac{1}{2}$ peeces to the pound.

The *Carolus* Gueldren or $\frac{1}{4}$ of the ſaid Doller, ten ounces fine, and $16\frac{1}{4}$ peeces.

The old foure Styuers peece with the Eagle, *Charles* and *Philip*, ſeuen ounces, $7\frac{1}{2}$ pennie fine, and ſixtie peeces.

The old double Styuer ſeuen ounces, $7\frac{1}{2}$ pennie weight in fineſſe, and 120 peeces.

The old three Styuers peece, eleuen ounces, three pennie weight, eighteene graines fine, and 120 peeces to the pound.

The ſiluer Fleece of three Styuers, ten ounces, ten pennie weight, and 108 peeces.

The three groot or Deniers fine, fiue ounces, ten penie weight, and $117\frac{1}{4}$ peeces.

The old Styuer of three ounces, foureteene pennie weight, foure graines, and 120 peeces.

The new Styuer following, three ounces, thirteene pennie weight, eight graines, and 120 peeces.

The 17 Duyts, ten ounces, ten penie weight fine, and 147 peeces.

The halfe Styuer, three ounces, ten pennie weight, and 201 peeces to the pound.

The quarter Styuer Oort, one ounce, $17\frac{1}{2}$ pennie weight, and 158 peeces.

The eight part Stiuer Duyt fine, one ounce, foureteene pennie weight, and 474 peeces.

The Hollandts pennie fine, 19 pennie weight, and 518 peeces.

The Styuer of the States Vnited, 4 ounces fine, and 168 peeces.

The Styuer of Vtrecht, three ounces fine, and 167 peeces.

The nine Duyts pennie of *Charles* and *Philip*, foure ounces, foureteene pennie weight, 129 peeces.

The

The halfe Ruyters blanke, foure ounces, foureteene pennie weight, and 256 peeces.

The Braſſe pennie and the halfe, foure ounces, ten pennie weight, and 120 peeces.

The Spaniſh Ryalls fine, eleuen ounces, 3 ½ pennie weight, and 108 peeces.

The Saluator and Ryall of Venice, eleuen ounces, ten pennie weight, and 96 peeces.

The Italian Ryalls of nine ounces ſeuenteen pennie, and nine ounces 14 pennie, and nine ounces eleuen pennie, peeces 108.

The courſe Romiſh Ryalls of ſeuen ounces fine, and 108 peeces.

The eleuen Duyts of *Charles Limb.* foure ounces, fifteene pennie weight, and 120 peeces.

The 11 Duyts of Holland, ſix ounces ſcarce, and 144 peeces.

The halfe Ruyters blank of Holland, 3 ounces fine, & 144 peeces

The fiue Groot of Flanders, and double Saſſenars, ten ounces, 6 ½ pennie, and 146 ½ peeces.

The 5 Groot of Gaunt, 5 ounces, 13 pennie weight, and 145 peeces

The 17 Duyts of *Lodouick*, Liege, *Philip*, Guelders, *Charles*, Limborgh, *Philip* of Flaunders, two ſtanding Lyons, nine ounces ½ fine, and 145 peeces.

The 17 Duyts of Sluce, 9 ounces, 5 penie weight, and 148 peeces.

The double Vieryſers fine, foure ounces, ten pennie weight, and 138 peeces to the pound.

The Snaphanen coyned for three Batts, ſeuen ounces, 7 ½ pennie weight, and 39 ¾ peeces.

The Creuciat of *Iohn* of Cleaue, eight ounces, ſeuen penie weight fine, and 39 ¾ peeces.

The fiue Styuer peece of Liege, ſeuen ounces, eleuen pennie weight fine, and 48 peeces.

The fiue Styuer peece of Gueldres, eight ounces, 1 ½ pennie weight, and 48 peeces.

The Snaphane of Nimegen, Deuenter, and Cleaue, ſeuen ounces, eleuen pennie weight, and 48 peeces.

The Shilling *M.E.* and fiue Groots *Philip* of Flanders, eleuen ounces, three pennie, and 135 peeces.

The other fiue Groot of *Philip* of Flanders, ten ounces, foureteen pennie weight, foure graines, and 135 peeces.

The fiue Styuer of Cambray, Liege, Horne, ſix ounces, 6 ½ pennie weight, 48 and 51 peeces.

The Shillings of Gueldres, Vtrecht, Freeſe, and Zealand, 1586 fine ſix ounces, and 57 peeces.

The Shilling of Bridges, 1582 fine, fiue ounces, and 57 peeces to the pound.

The Shilling of Gaunt 1583 fine, ſeuen ounces, ſeuen penie weight, and 54 peeces.

The Styuer of Gant 1583 fine, three ounces, and 175 ½ peeces.

The

The Styuers of Groeninghen, Cambray, and Liege, fine three ounces, fiue pennie weight, and 135 peeces.

The eleuen Duyts of *Philip* and *Marie*, eleuen ounces, 3 ½ pennie fine, and 270 peeces.

The *Ferdinand* of Tiroll ten ounces, 7 ½ pennie weight, and 270 peeces.

The peeces of 5 ½ Groot of 1520, and Ma. Flandres nine ounces, foureteene pennie weight, and 120 peeces.

Dollers

The Doller of the States nine ounces fine, and 12 $\frac{1}{44}$ peeces to the pound weight.

The Hollandts Doller nine ounces fine, and 13 ½ peeces to the ℔.

The Dollers of Gueldres and Vtrecht nine ounces fine, and fifteen peeces to the pound.

The Dollers of Zutphen and Gueldres 1586 fine, ten ounces, foure pennie, and 13 ½ peeces.

The Hollandts Doller with the Crown 8 ounces, and 13 ½ peeces.

The Rickx Doller Oncia eleuen ounces, fiue pennie weight, and 12 ½ peeces.

The other sorts of Rickx Dollers of eleuen ounces, and eleuen ounces three pennie, and 12 ½ peeces.

The Poland Doller
The Bohemia Ne. Op.
The Batenborgh Dol.
The Bommell Doller.
} fine, seuen ounces, fifteen pennie weight, and 13 ½ peeces.

The Polish Guelder of sixtie Creutzer, eleuen ounces, 3 ½ pennie fine, and fifteene peeces.

The Dollers of Brisgau, Tremone ten ounces, fifteene pennie weight fine, and fifteene peeces.

The Dollers of Luneborgh ten ounces, sixteene pennie ½ fine, and fifteene peeces.

The Basell sixtie Creutzer, Reynsborch, and Ismensen ten ounces, 13 ½ pennie, and fifteene peeces.

The Doller of Riga ten ounces, 2 ½ pennie weight, & 13 ½ peeces

Teastons.

Of Mantua, *Francis*
Of Ferrara, *Hercules* and *Alphonsus*
Of Berne, *Vincent*
Of *Ottomanus* Berne
Of Lucerne, *Episcopus*
Of Milan, *Lodouicus*
Of Milan, *Galeacius*
Of Friborgh, *Nicolas*
Of Sedun, *Nicol.* dan *Adrian*
Of Solod, *Vrsus*
Of Sauoye, *Carolus*
Of Castile
} fine eleuen ounces, 5 ½ pennie weight, and 45 peeces.

Teastons.

Of Portugall *Io.V.L.*
Of France *Franciscus*
Of Lorayne *an.* 1524. & 29.
} ten ounces, seuen pennie weight fine, and fortie and two peeces to the pound.

Of Spaine, *Ferdinand*
Of Nauarre, *Anna*
Of Baden, *Chrisostome*
Of Sauoy, *Carolus*
Of Nauarre, *Henricus*
} ten ounces, 10 ½ pennie weight fine, and 39 peeces.

Of Monserat, *George* and *Guill.*
Of Geneua, ———
} ten ounces, 4 ½ pennie weight fine, and 42 peeces.

The Quarter Crownes.

Of Fraunce 4 Escu of ten ounces, 6 ½ pennie fine,
Of Lorayne fine nine ounces, 8 ½ pennie weight,
Of Sauoy *Philip*, ten ounces, 16 ½ pennie weight,
} and 39 peeces to the pound.

The Rickx Doller of late *Anno* 1567 fine ten ounces, 12 13 and 14 pennie fine, and 12 ½ peeces.

The peece of Cambray $\frac{1}{10}$ of a Doller sixe ounces, ten pennie weight, and 123 peeces.

The 38 Gustaue of Liege ten ounces, foure pennie weight scarce, and peeces 12 ¾.

The *Christopher* Doller 45
The Doller *Guliel.* Sweaden
} 10 ½ ounces fine, and 12 ¾ peeces.

The Angell of Scrickelborgh ten ounces, 7 ½ pennie weight, and 78 ¼ peeces.

The ten Creutzer of Salsborgh, Rauenborgh, Frise, and Saxony eight ounces, seuen pennie, and 64 ½ peeces.

The three *Carolus* of Frankford, Campidona, Reynsborch, Patauia, Ernestus, Otingus, *Carolus* and Salsborgh nine ounces fine, and 78 ¼ peeces.

The sixe Creutzer of Insborgh 10 ½ ounces fine, and 124 ½ peeces.

The Grosse of Salsborgh foure ounces, 12 ½ pennie weight, and 39 peeces.

Batsen of foure Creutzers
Of Fribourgh, Colmograue,
Raynsbourgh, Taunte,
Cost 1530, Roy, and
Schafhuysen, Bauiere,
Brandebourgh, Ottinge.
} fine, fiue ounces, seuen pennie weight, and 109 ½ peeces.

The Ausb. Saxon Grosse, and Coniugsteyn fiue ounces, seuen pennie fine, and 108 peeces.

The

The Curienſis groſſe, Kempton, Baſſau, and Briſae, fiue ounces, ſeuen pence, and 106 ½ peeces.

Of Noiling, Ambaſſ. Markegraue, *George* and Wormeſer, foure ounces, 12 ½ pennie, and 94 ½ peeces.

The Groſſe of Salsbourgh, ſixe ounces 2 ½ pennie weight, and 118 ½ peeces.

The Groſſe of Viena, ſixe ounces, foure pennie weight, and 132 peeces.

Of Ausbourgh and Reynsbourgh, ſix ounces 4 ½ pennie fine, and 155 peeces.

Of Carinthia, Tauen, Baſell, Shaf-huyſen, Campido and Briſgraue, ſix ounces, and 118 ½ peeces.

Nummi dragme, ſixe ounces fine, and 140 peeces.

Nummi dragme, ſixe ounces, 2 ½ pennie fine, and 118 ½ peeces.

The *Gulielmus* of Turinghia, ſixe ounces, fifteene pennie weight, and 129 peeces.

The Bohemia Senube and the halfe, 5 ounces, ſeuen pennie fine, and 129 peeces.

The 1 ½ ſiluer Groſſe, three ounces 7 ½ pennie weight, and eightie ſeuen peeces.

The Kempter ½ Batts, foure ounces 12 ½ pennie weight, 192 ½ peeces.

The Munichen ½ Batts, foure ounces, 12 ½ pennie fine, and 186 peeces.

The *Gulielmus* Lion peece, two ounces, fiue pennie weight fine, and 150, and 179 peeces.

Peeces of twelue Creutzers, eight ounces, 7 ½ pennie weight, and 61 ½ peeces to the pound.

Of Viena, and Bauiere of twelue Creutzers, eight ounces, 7 ½ pennie fine, and 57 peeces.

Of twelue Creutzers tenne ounces, tenne pennie weight fine, and 61 ½ peeces.

Of ſix Creutzers, tenne ounces, tenne pennie weight fine, and 123 peeces.

Of three Creutzers, fiue ounces, ten pennie fine, and 136 ½ peeces.

Of ſix Creutzers of Viena, eight ounces, 7 ½ pennie fine, and 114 peeces.

Of three Creutzers of Viena, foure ounces, 8 ½ pennie weight fine, and 129 peeces.

Of three Creutzers of Bauiere, foure ounces, eight penny weight, and 375 peeces.

Of Ausbourgh and Vlme Creutzers 5 ounces, 5 pennie weight, and peeces 384.

Albi of Cologne, Mentz, and Trier, 5 ½ ounces fine, and 345, 179, and 342 peeces.

Albi of Norenbourgh, Frankford, Bambourgh, and Palatin Rhene, foure ounces, eighteene pennie, and 273 peeces.

Bohemia white pennie, fiue ounces, ſeuen pennie weight fine, and 924 peeces.

Bohemia blacke pennie, two ounces, 13 ½ pennie fine, and 990 peeces.

Dupli Maui ⅓ of *Gulielmus Turinghia*, two ounces, fifteene pennie weight, and 440 peeces.

Simpli dupli of fiue ounces tenne pennie weight, and 882 peeces.

The ¼ of one ſiluer groſſe, or duodena, three ounces 3 ⅔ penny weight, and 874 ½ peeces.

Duplus of two ounces fine, and 324 peeces to the pound.

The ſixe groſſe of Polonia, ſixe ounces fine, and 13 ⅞ peeces to the pound.

The *Sigiſmond* of Pruſſia 1534, 10 ounces, 11 pennie weight fine, and 69 peeces.

The other with the Armes of Danſicke, 10 ounces ½ pennie fine, and 69 peeces.

The *Sigiſmond* 1532, and 1535, but 10 ounces, foure pennie weight fine, and 69 peeces.

The foure groſſe pennie, eight ounces fine, and 81 peeces.

The three groſſe Pruſſia alb. 10 ounces, 10 ½ pennie fine, and 138 peeces.

The ſame of Melicin 1340, of 10 ounces foure pennie, and 10 pennie fine, and 138 peeces.

The groſſe of Prague, nine ounces 12 ½ pennie fine, and 180 peeces.

The *Ferdinand* of Danſicke, 5 ounces fine, and 180 peeces.

The Wersbourgh ſoli of Dans and Pruſſia, 5 ounces 6 ¼ pennie, and 157 ½ peeces.

The two Croſſes and Har, foure ounces fine, and 180 peeces.

The Bre 1499, the Key and Ioan, three ſtyuers, ten ounces, foure pennie fine, and 156 peeces.

The eight Shilling of Danſicke 1541 fine, ten ounces, twelue pennie, and 156 peeces.

The Deghen of Ruſſia, Moſcouia, and de Narde, eleuen ounces, thirteene pennie weight, and 545 ⅓ peeces or Dengen.

The marke ſticke of Lubecke, Ladie *Marie* tenne ounces 16 ⅔ pennie, and twentie ſeuen peeces.

The three Armes of Magenbourgh, fiue ounces 8 ⅓ pennie, and twentie ſeuen peeces.

The other peece of eleuen ounces, 3 ½ pennie weight, and fiftie one peeces.

The Franks of France, three to one Crowne, tenne ounces fine, and 26 ¼ peeces.

The Turones of France, tenne ounces, eighteene pennie weight, and 26 ¼ peeces.

The French two ſoulz, and foure ſoulz, ſix ounces 6 ⅔ pennie fine, and 117 peeces.

The double H and of one Soulz, three ounces, fifteene pennie fine, and 132 peeces.

The old ſoulz with ✠, foure ounces, fiue pennie weight fine, and 175 peeces.

The ordinarie French ſoulz, three ounces tenne pennie fine, and 147 peeces.

The late French ſoulz, three ounces 6 ½ pennie fine, and 147 peeces.

The Lyarts of France H. three ounces fine Scarce.

The Pettie denier, Pa. and Pettie denier Tor. one ounce ½, and 270, and 337 ½ peeces.

Pettie Maille were one ounce fine, and 450 peecs, and now all Copper.

The ſhilling of England of Queene *Elizabeth*, eleuen ounces, two pennie fine, and ſixtie peeces.

The Engliſh groats, eleuen ounces, two pennie weight, and 129 peeces.

The Engliſh ſhilling of late, eleuen ounces fine, and ſixtie two peeces to the pound.

The peece of nine pence, called ſiluer Harpe, eleuen ounces fine, and eightie two peeces.

The Baſe Iriſh Harpe, three ounces fine, and eightie two peeces.

The Old Harpe, nine ounces, ſixe pennie weight fine, and 102 peeces.

The King *Henrie* baſe groat, foure ounces, two pennie weight fine, and peeces.

The Engliſh ſixe pence or halfe ſhilling, eleuen ounces fine, and 124 peeces.

The pennie, two pence, and halfe pennie acordingly.

The three Ryall peeces of *Albertus* of Auſtria, ten ounces, fifteene pennie fine, and fortie peeces.

The ſingle Ryalls, the halfe, and the fourth parts accordingly.

The double Guilder of *Albertus*, tenne ounces, 15 pennie weight, and 14 ½ peeces.

The ſingle Guilder, the halfe and quarters of the ſame finenes, and peeces accordingly.

The peeces of foure, two, and one Stiuer ſince 1590.

The peeces of eight Ryalls of Spaine, of eleuen ounces, foure pennie weight, and 13 ½ peeces.

The ſaid peeces made at Mexico in the Indies, eleuen ounces fine, and 13 ½ peeces.

The Lion Doller of the Prince of Orange, of nine ounces fine, and thirteene peeces.

The ſiluer Ryder of Guilders and Frize-land, correſpondent with the States Doller of nine ounces.

The Dollers of Guelders and Vtrecht, tenne ounces, tenne and twelue pennie fine, and thirteene peeces.

The great ſiluer Royall of the States correſpondent with the *Phillip* Doller.

The $\frac{1}{10}$ part of the ſaid great Royall, with the Arrowes accordingly.

The Doller of Zealand, with the Eagles of nine ounces fine, and 13 $\frac{1}{2}$ peeces.

The *Edward* Doller of England, of eleuen ounces two pennie weight fine, and 11 $\frac{1}{4}$ peeces.

The Doller of Scotland with the croſſe Daggers, eleuen ounces, two pennie weight fine, and 11 $\frac{1}{4}$ peeces.

The Marke of Scotland eleuen ounces two pennie weight fine, and 54 peeces.

The Doller of Frize-land coyned 1601, of nine ounces fine, and 13 $\frac{1}{2}$ peeces.

*Coynes made of meere Copper.*

THe Ortgens, whereof foure make óne Stiuer, and two the halfe Stiuer.

The Duyts alſo foure make one Stiuer.

The Negenmannekens, the eight make a Stiuer, and foure the halfe Stiuer.

The three Mites, whereof eight peeces to the Stiuer is 24 Mites.

The ſixteene pence Hollandts make one Stiuer, and eight the halfe Stiuer.

For other Copper Moneys, read the fifth precedent Chapter of Moneys.

Error of Triall peeces for the Standard.

So I doe conclude this Chapter, with an errour committed in the making of the Standard Triall Peeces, vſed in moſt Kingdomes and States to charge the Mint-maſters to make the Moneys by; wherein they doe not proceed according to the Rule of Arithmatike, by obſeruing true weight and fineneſſe. For if it bee appointed to make a Standard peece of tenne ounces fine, they will take certaine ounces of fine Siluer and Copper proportionable thereunto, and melt them together, and being made into a plate of Siluer, diuide the ſame into three equall parts to be deliuered, one to the King, another to the Warden, and the third to the Mint-maſter; and hereof are Aſſayes made both of this peece and the moneys, and ſo compared together. As if a man ſhould take eleuen ounces two pennie weight of fine Siluer, and eighteene pennie weight of Copper, both in weight and melt them together, making twelue ounces by weight, and neuer weigh them after they bee commixed: But ſay this is ſterling Standard, whereas the weight, both of the one and of the other doth proportionate the Standard by weight, for in regard of the waſte of copper this is better than Standard, and ought to bee made exactly: ſo that the peeces alſo are to be correſpondent to the pound weight, for the foundation riſeth from hence, as in the following Chapter appeareth.

CHAP.

## Chap. IX.

### *Of the Valuation of Moneys, and the Proportion betweene Gold and Siluer.*

VAluation of Moneys is the Spirit which giueth life vnto coynes, for without it, weight and fineneſſe are in the nature of Bullion or Materialls.

Two fold is the valuation of moneys.

This Valuation is twofold: the firſt is done by publicke authoritie of Princes and States, whereby the peeces of coynes are eſteemed at a price certaine, both for Gold and Siluer, to go currant for that value within their kingdomes and dominions: the ſecond, is the Valuation of Merchants by way of Exchange betweene vs and other nations, which is predominant and ouerruleth the former, as heretofore hath beene touched, and now will be proued.

Kings valuation.

The Kings or Princes Valuation is effected three manner of waies, *viz.* by inhauncing the price of the coyne, by Proclamation; ſecondly, by embeaſiling the ſtandard of money by allay; and thirdly, by altering the proportion betweene Gold and Siluer.

Merchants valuation.

The Merchants Valuation is alſo effected three manner of waies, *viz.* by the price of Exchange for moneys riſing and falling from time to time; by the tolleration of the coynes at a higher rate betweene them; and by the combination with Mint-maſters, inhanceing the price of the Marke of Gold and Siluer. Of all theſe in order briefely.

The Kings Valuation is deriued or drawne from the verie peece or peeces made out of the pound weight of twelue ounces, or the marke of eight ounces, which the Romans did call *Nummus à numerando*, to tell or reckon by. The Saxons gaue it the name *Pfeming*, or *Penning* in Ducth, from whence the word pennie is deriued: for they cutting twentie peeces out of the pound Troy of twelue ounces, made twentie pence euerie way, that is to ſay, twentie pence in weight, twentie pence in value; and conſequently diuiding the fineneſſe alſo by twentie pennie weight, and euerie pennie weight in twentie and foure graines, which was the auncient ſterling ſtandard of *Osbright* the Saxon King, ſeuen hundreth yeares paſt: which Valuation ſo continued vntill King *Edward* the third, and vntill *Henrie* the

Weight and fineſſe both alike with the number of peeces.

The ounce of siluer aduanced because of the inhancing of money beyond the seas.

the sixth, and then was valued at thirtie pence the said ounce, and continued vntill *Edward* the fourth, and then valued at fortie pence, and so continued vntill King *Henrie* the eight, and then was valued at fortie and fiue pence, and so continued vntill Queene *Elizabeth*, who (after the decry of the base money made by King *Edward* the sixth, which King *Henrie* his father had caused to be coyned) did restore the sterling standard to her great benefit, by valuing the said ounce at sixtie pence, or 5 ß, inhauncing the same one full third part; so that one of those pence became three pence by valuation: and Gold was raised according to the proportion of eleuen of fine Siluer to one of fine Gold; or eleuen of standard Siluer, to one of Crowne Gold, which valuation of Siluer hath continued hitherto, with little alteration.

But beyond the seas there hath been great inhancing, both for the coynes of siluer and gold, as wel in Fraunce as in the Low-countries, and Germanie, to Englands incredible losse*, as is at large declared in our * Treatise of Exchange. This (daily) inhauncing beyond the seas began in the time of King *Henrie* the eight, who went about to reforme the same: but afterwards finding that if he should inhance his price of moneys, likewise they would still aduance theirs more and more, he began but moderately; and whereas the Angell Noble (so called) was at six shillings eight pence, he caused the same to be valued at seuen shillings and foure pence, by a Proclamation in the eighteenth yeare of his raigne, and within two moneths after at seuen shillings six pence, and withall he did write vnto other Princes concerning the same, and Commissioners came ouer about it, but all was in vaine; whereupon he gaue an absolute authoritie to Cardinall *Wolsey* by letters patents as followeth.

* The Canker of Englands Common-wealth.

Angell Noble inhanced.

HENRIE *the eight, by the grace of God, King of England and of Fraunce, defendor of the Faith, Lord of Ireland, to the most reuerend Father in God, our most trustie and most entierly beloued Councellor, the Lord* Thomas, *Cardinall of Yorke, Archbishop, Legat* de Leicester *of the See Apostolicke, Primat of England, and our Chauncellor of the same, greeting. For as much as coynes of moneys, as well of gold as of siluer, be of late daies raised and inhaunced both in the realme of France, as also in the Emperors Low-countries, and in other parts, vnto higher prices than the verie poiz, weight and finesse and valuation of the same, and otherwise than they were accustomed to bee currant; by meanes whereof, the money of this our realme is daily, and of a long season hath beene, by sundrie persons (as well our subiects, as strangers, for their particular gaine and lucre) conueyed out of this realme into the parts beyond the seas, and so is likely to continue more and more, to the great hinderance of the generalitie of Our subiects and people, and to the no little impouerishing of our said realme, if the same be not speedily remedied and foreseene. We, after long debating of the matter with you and sundrie other of Our Councell, and after remission made vnto outward Princes for reformation thereof, finding finally no manner of remedie to be had at*

Francis the French King, and Charles the fifth Emperor.

their

*their hands, haue by mature deliberation determined, That Our coynes and moneys (as well of Gold as of Siluer) ſhall bee by our Officers of our Mint from henceforth made at ſuch fineſſe, lay, ſtandard and value as may be equiualent correſpondent and agreeable to the rates of the valuation inhaunced and raiſed in outward parts, as is afore ſpecified: whereupon Wee haue giuen commaundement by Our other Letters vnder our great Seale, to the Maſter Warden, Comptroller, and other Officers of Our ſaid Mint, and to euerie of them, to ſee this Our determination put in execution of the ſaid coynes by Proclamation or otherwiſe, as in the print, coyne, ſtroake of the ſame. Wherefore by theſe preſents Wee will and authoriſe you to proceed not onely from time to time, when you ſhall ſeeme conueniently by aduice of ſuch other Our Councell as you ſhall thinke good, to the limitation, deſcription, and deuiſing, how and after what manner and forme Our ſaid coynes and moneys may be brought vnto the rates and values, fineſſe, lay, ſtandard, and print by you and them thought to be requiſite, but alſo to appoint Our ſaid Officers of Our Mint duely to follow, execute, obey, and fulfill the ſame in euerie point according. In which doing theſe Our Letters vnder our great Seale ſhall be your ſufficient warrant and diſcharge; any Act, Statute, Ordinance or Law, or other thing whatſoeuer it be to the contrarie notwithſtanding. In witneſſe whereof We haue cauſed theſe preſents to be ſealed with Our great Seale, at Weſtminſter the 23 day of Iulie, in the eighteenth yeare of Our raigne &c.*

*Graſions* Chronicle doth record that all was to no purpoſe, for the inhauncing might on both ſides haue run *ad infinitum*. Afterwards in the two and twentieth yeare of his raigne, finding that Merchants did tranſport ſtill the moneys, or made them ouer by exchange, and made no imployment vpon the commodities of the realme; he cauſed a Proclamation to be made according to an old ſtatute 14 *Richard* 2, That no perſon ſhould make any exchange contrarie to the true meaning thereof, vpon paine to be taken the Kings mortall enemie, and to forfeit all that he might forfeit. Statute of imployment.

Hereupon it fell out, that lawleſſe neceſſitie did run to the other extreame of imbaſing the moneys by allay, whereby all things came to be out of order. For baſe money maketh euerie thing deere, and ouerthroweth the courſe of exchange betweene Merchants, and cauſeth much counterfeit money to be made to buy the commodities of the realme, and to deſtroy the good moneys, like vnto the ſeuen leane Kine of *Pharaoth* which deuoured the ſeuen fat Kine in a ſhort time: as appeared of late within the realm of Ireland, which is more dangerous in thoſe kingdomes where their moneys are of a rich ſtandard, whereby many commotions happen, as in Fraunce during the raigne of *Philip le Bell*. And *Peter* the fourth King of Aragon, did for this cauſe confiſcate the Iſlands of Maiorca and Minorca, now kingdomes in the Mediterranean ſea, whereas the policie of thoſe nations which do vſe ſeuerall ſtandards of moneys, doth preuent the ſame, becauſe that promiſcuouſly they make and coine moneys of ſeuerall ſtandards according to the occaſion, which is worthie the obſeruation: Baſe moneys. Commotions about baſe money.

☞ ſeruation: and as all extreames are vicious and defectiue, ſo doth it befall thoſe countries which will haue no baſe money at all, and are made a prey vnto other nations by the exchange for moneys, which muſt be maintained withall, as I haue made and ſhall make more apparant.

Proportion betweene gold and ſiluer.

The third effect or alteration of the Kings Valuation of money is the Proportion betweene gold and ſiluer, being in moſt countries twelue to one, that is to ſay, one pound of ſiluer for one ounce of gold wherein there is more operation than moſt men do imagine. For you cannot aduance or inhance the one, but you abate and diminiſh the other, for they ballance vpon this paralell. And whereas England by continuance of eleuen to one hath beene a great looſer of gold; ſo now by aduancing the ſame not onely to twelue to one, but to 13 ½ for one, there hath followed a verie great loſſe of our ſiluer which is ouer much abated, as may appeare if we do but conſider that the French Crowne of ſixe ſhillings was anſwered with ſix ſhillings in ſiluer, and is now full ſeuen ſhillings and foure pence; and our ſix ſhillings in ſiluer are the verie ſame: for twelue ounces of Crown gold of twentie and two carrats at 3 ℔ 6 ß maketh 39 ℔ 12 ß, and 108 French Crownes the which are made out of the pound weight of twelue ounces at ſeuen ſhillings foure pence, maketh alſo 39 ℔ 12 ß. Hereupon to equalize the ſiluer vnto gold againe will breed a generall inhauncing of things within the realme, for the alteration of the meaſure of moneys cauſeth the denomination to follow in number to make vp the tale, which requireth great prouidence. For we find that other nations perceiuing our gold to be inhanced, haue abated the price of exchange, (according to which the prices of commodities are ruled) ſo that the ſame goeth at thirtie and foure ſhillings ſix pence, or thirtie and fiue ſhillings Flemiſh for our twentie ſhillings ſterling, whereas before they did allow and reckon thirtie ſeuen ſhillings and ſix pence or thereabouts, which is aboue our inhauncing of ten *pro cent.* and ought to be almoſt thirtie eight ſhillings, whereof our Mint men can take no notice, much leſſe our Goldſmiths and Merchants, which either are ignorant, or wiſe in their owne conceits; and it is a hard matter to find in one man that which belongeth to the profeſſions of many, and when it is found to imbrace it; for wiſdome draweth backe, where blind Byard is audatious.

Exchange fallen by the inhauncing of gold in the Low-countries

For mine owne part, although it were to be wiſhed (which is not to be hoped) that we were of the Scithians mind, who contemned ſiluer and gold as much as other men do admire the ſame: yet ſeeing money is by the iudgement of the wiſeſt ſo neceſſarie to the common-wealth, that it ſeemeth to be the Sinowes of peace, and (as it were) the Life and Breath of warfare; I could not (if I were a Lawgiuer with *Licurgus*) baniſh gold and ſiluer as the cauſes of much euil, and bring in yron in place, vnleſſe I might be perſuaded (as he was) of ſuch good ſucceſſe againſt vnrighteous dealings as iſſued thereby, but rather

rather vſe the pretious mettalls ſo conueniently as I might, and ſupplie the defect with baſer coyne, whereunto theſe chiefe mettals of gold and ſiluer cannot ſerue without great loſſe and inconuenience: Or elſe I would by the courſe of exchange for moneys, preuent all and abound with moneys and bullion, hauing ſuch Staple commodities to procure the ſame withall, whereof other nations are deſtitute. Let vs now therefore enter into conſideration of the Merchants Valuation in exchange, which we haue noted to be predominant and ouerruling the Kings Valuation. For if the King do value a peece of ſterling ſiluer weighing about foure pennie weight at twelue pence, it wil be currant ſo within the realm. But Merchants in exchange wil value the ſame at 11 ½ pence, and commonly at eleuen pence, and ſo it will be tranſported *in ſpecie* by a low exchange, and the commodities of the realme will be ſold accordingly, as you may vnderſtand by the declaration of exchanges in our third part of this booke hereafter.

Merchants valuation predominant.

This Valuation of Merchants hath two handmaides beyond the ſeas, which do aduance the forreine coyne in price, as we do by exchange abate the ſame. For Merchants when they haue occaſion to vſe any ſpecies of coynes for tranſportation (as Dollers for the Eaſt-countries to buy corne, or Royalls of plate for the Eaſt-Indies, or French Crownes for Fraunce) will giue one, two or three Styuers or Soulz vpon a peece to haue the ſame, whereby other Merchants buying commodities, will condition to make their paiment in ſuch coynes accordingly; and ſo it goeth from man to man by tolleration which is called Currant money in merchandiſe, or Permiſſion money, whereby the ſame are inhaunced two or three vpon the hundreth at the leaſt. This inconuenience ſeemeth to be remedileſſe, as the Placcart of the Eſtates of the vnited Prouinces declareth, albeit the courſe of it is beneficiall vnto them, and in regard of them may well be called Permiſſion money. For when they will not breake the coyne of other nations (as the manner is in all Mints) then it is either valued rather aboue the value, which contenteth the ſaid nations, and ſo is permitted to paſſe betweene man and man, which draweth moneys vnto them which doth not endure long. For the laſt and third effect of Merchants Valuation between the Mint-maſters (who loue to be doing) and the ſaid Merchants commeth in place, either by abating the price of the ſaid forreine coyne by Proclamation to auoid their hands of it, or to gather vp coynes before they be inhanced, diuiding the benefit between them & the Financiers, who are Officers of their Treaſurie, which is done with great dexteritie euerie way; in ſo much, that when it ſeemeth they will not haue forreine coyne, and to that end they vnderualue the ſame; then haue they their Exchangers or Brokers to gather vp thoſe moneys to be brought to their Mint, where they will giue ſecretly a benefit, and helpe themſelues by the ſheire, which cannot be done without priuate authoritie: So that all things duely conſidered, there is nothing but the rule

Currant money in merchandiſe.

*Anno* 1594.

Valuation altered by practiſe with Mint maſters.

of

of exchange to preuent and moderate all theſe inconueniences, which (to make men beleeue) is to vndertake *Hercules* Labours; for herein doth the motion conſiſt, and *Motus maior expellit minorem.*

Touching the Proportion betweene gold and ſiluer in valuation; albeit ſome are of opinion, That the ſame is not much materiall in the courſe of trafficke, yet experience hath ſhewed vnto vs, that the contrarie muſt be beleeued before their conceits: And whereas they haue made obſeruation vpon my former aſſertion to this purpoſe, That Spaine holdeth the Proportion of twelue to one, and Portugall holdeth but ten to one; they doe not marke the reaſon added thereVnto, which is, That betweene thoſe Kingdomes there are no commodities to eſtabliſh any trafficke. So that exportation of ſiluer for gold, or gold for ſiluer, is but a permutation betweene them without any profit: But England and other Countreys affoording meanes to import aboundance of forraine commodities, and gold being with vs in greater eſtimation than heretofore (being but of late yeares aduanced from eleuen to twelue for one, that is to ſay, From eleuen ounces of ſiluer to twelue ounces of ſiluer, for one ounce of gold) was continually tranſported in returne of the ſaid forraine commodities, the exchange not anſwering the true value of the gold: ſo that now when our gold is yet more aduanced, the ſiluer is thereby more abated in price, giuing 13 ⅓ for one: and therefore no maruell that gold is imported vnto vs, and ſiluer is exported, there being a gaine of aboue tenne and twelue *pro cent.* And this loſſe of ſiluer farre exceedeth the gold in value, becauſe in quantitie there is in the world 500 of ſiluer to one of gold: and if any ſiluer by accident be imported, it is exported againe for the Eaſt-Indies and other places, they giuing more for it than the price of our Mint; for gaine is the commander of all.

Permutation of Moneyes.

*An.* 1611.

Siluer is 500 to one in quantitie, by weight extant.

*The Proportions vſed within the memorie of man, are as followeth.*

IN the Low-countries they did reckon two *Phillip* Dollers, for the Emperours Royall of gold, whereby one marke of gold did counteruaile eleuen marke of ſiluer, being eleuen to one in the pound accordingly.

In Spaine one marke of gold was valued at 53 ½ Peſos, euerie Peſo 450 Maluedeis; and euerie marke of Siluer 2250 Maluedeis, maketh the marke of gold to be but 10 ⅔ valued by ſiluer: but the Spaniſh Piſtolets of twentie two Carrats fine, to eleuen Royalls, is eleuen of ſiluer to one of gold.

In France the marke of gold valued at ſeuentie foure Crownes, and the ſiluer at 6 ⅔ Crownes, maketh the proportion 11 $\frac{11}{17}$ parts, but valuing the French Crowne at three Frankes, is eleuen to one.

In England the Angel at ten ſhillings, and the ſiluer at ſixtie ſhillings the pound Troy of 12 ounces, being that ſix Angels did weigh an ounce, made alſo eleuen to one.

In

In Germany one marke of Siluer, at 8 ½ Gold guilders, maketh 11 ⅔ for 1; but the valuation of moneys being altered hath alſo altered the ſame.

In Rome the pound of ſiluer at 108 Carlini, and the Ducat of gold 99 ¼ is 12 to 1. So at Millaine the Ducat 112, and the Teaſton 28 is but 9 ⅓ for 1. The ſiluer being ſo in requeſt there for the making of gold and ſiluer threed, that is to ſay, ſiluer threed guilt and white. Now for all places of momentarie trafficke it is 12 to 1, and in England 13 ⅓ to 1, as hath beene declared.

*The valuation of forreine coyne of gold and ſiluer, publiſhed in the vnited Low Prouinces on the 21 day of Iulie 1622, with the orders eſtabliſhed by the Eſtates of the ſaid Countries, for the better obſeruation of the ſaid valuation, which neuer the leſſe are continually infringed from time to time: And the like is done in other countries; ſo that to obſerue our owne rule according to Equalitie and Equitie, will be found the beſt and ſafeſt courſe of Politicke gouernment.*

| | *Guilders.* | *Stiuers.* | *Flemiſh.* | |
|---|---|---|---|---|
| The great golden Ryder of the vnited Prouinces. | 11 | 6 *or* 37 *ß.* | 8 *d* | |
| The halfe of the ſaid Ryder | 5 | 13 | 18 | 10 |
| The double Ducat of the ſaid Prouinces with the Letters | 8 | 10 | 28 | 4 |
| The French Crowne | 3 | 18 | 13 | 0 |
| The Piſtolet of Spaine of foure Piſtolets | 15 | 8 | 51 | 4 |
| The double Piſtolet of Spaine | 7 | 14 | 25 | 8 |
| The ſingle Piſtolet after the rate | 3 | 17 | 12 | 10 |
| The Albertins or ducats of *Albertus* of Auſtria | 5 | 13 | 18 | 10 |
| The double Roſe Noble of England | 18 | 12 | 62 | 0 |
| The Roſe Noble of *Henricus*, *Edward*, and Queene *Elizabeth* | 9 | 6 | 31 | 0 |
| The *Henricus* Noble | 8 | 6 | 27 | 8 |
| The Flemiſh Noble old and new of the vnited Countries | 8 | 0 | 26 | 8 |
| The old Angell of England | 6 | 4 | 20 | 8 |
| The new Ryder of Guelders and Freeſeland | 3 | 13 | 12 | 2 |
| The gold Guilder of thoſe Mints | 3 | 2 | 10 | 4 |

All which coynes are to bee weighed with their accuſtomed weight, and the remedie of two graines and no more, with ſome little aduantage ouer, or at the leaſt being within the reſt of the ballance: Prouided alwaies, that the coynes of their due fineneſſe (although they be lighter) ſhall be currant, paying for euerie graine wanting, two ſtiuers.

*Siluer Coynes.*

| | Guilders. | Stiuers. | Flemiſh. ß. | d. |
|---|---|---|---|---|
| The Lyon Doller of the Low Prouinces | 2 | 0 | 6 | 8 |
| The Rickx Dollers in generall | 2 | 10 | 8 | 4 |
| The Croſſe Doller of *Albertus* | 2 | 7 | 7 | 10 |
| The Spaniſh Ryalls of 8 | 2 | 8 | 8 | 0 |
| The Doller of Zealand and Friſe with the Eagle | 1 | 10 | 5 | 0 |
| The Floren or Guilder of Friſeland | 1 | 8 | 4 | 8 |
| The Engliſh Shilling, and of great Brittaine | 0 | 10½ | 1 | 9 |
| The Marke peece, or Thiſtle of Scotland | 0 | 12 | 2 | 0 |
| The Harpe of Scotland and Ireland | 0 | 8 | 1 | 4 |

And if any of the ſaid peeces be found to want of their weight, and the appointed remedy, within the reſt of the ballance, or ſome little aduantage ouer, they ſhall be currant, paying (for euerie graine wanting) two pence Hollandts, whereof 16 make one ſtiuer, and the Engliſh groats are made bullion, or ſhall not be currant.

*Small Moneys for ordinarie payments.*

THe Shillings of all the ſeuerall Prouinces reſpectiuely, and of the Mints of Nimogen, Deuenter, Campen and Swoll — 6 Stiuers
The halfe Shillings after the rate — 3 Stiuers
The peeces called Flabs of Groninghen 4 ſtiuers, the double 8 Stiuers
The twintigſt part of the great ſiluer Royall — 2 ½ Stiuers
The double and ſingle ſtiuers of all theſe countries — 2 & 1 Stiuer

The tenth to be receiued in copper monies

1 Of all which ſmall moneys for the payments of rents, intereſt or abatement of the ſame, as alſo of all manner of Merchandiſe exceeding in one parcell the ſumme of one hundreth Guilders, no man ſhall be bound to receiue more than the tenth pennie.

2 The Duyts according to the order of the Prouinces made in the Prouinciall Mints, and none other, are as yet tollerated for a Duyt: and all other copper moneys of the Prouinciall Mints are alſo tollerated to be paied out for one pennie the peece, the 16 whereof make one Hollandts Stiuer and not aboue; whereas we do intend hereafter to prohibit the ſame to be currant for any price, becauſe wee will prouide our ſelues forthwith with ſo much copper mony as the commodiouſneſſe ſhall require.

3 We do alſo prohibit from henceforth no copper moneys to be brought into theſe countries aboue two ſtiuers, vpon paine of ten ſtiuers for euerie peece to be forfeited: and whoſoeuer ſhall iſſue any copper moneys aboue the ſaid price, ſhall incur the like penaltie of ten ſtiuers for euerie peece.

4 And all the ſaid coynes ſhall be currant in theſe Prouinces for the

the prices aforeſaid, declaring all other peeces for bullion, which by this Our proclamation are not valued, prohibiting any of the ſaid peeces to be offered or receiued; as alſo to preſſe any of thoſe which are valued to be paied at a higher price than they are valued, and likewiſe offer to put forth other coynes of gold and ſiluer valued, which are clipped, waſhed, broken, mended, neiled or otherwiſe augmented in weight, vpon forfeiture of all the ſaid coynes ſo to be offered at higher rates than this proclamation doth permit: and if the fact be not inſtantly diſcouered, to forfeit the value thereof, and moreouer the quadruple or the value thereof, or 24 guilders in liew thereof, if the ſaid coynes did not amount to ſixe guilders for the firſt time, the ſecond time double, and for the third time quadruple; and moreouer arbitrable correction according to the qualitie of the fact. All other coynes made bullion to be molten.

5 Without that any diſtinction ſhall be made, whether the ſaid coynes were inſtantly paied from forreine parts, or ſent from ſome one Prouince or Towne into another, in which caſe, if the receiuer thereof will be freed of the ſaid forfeiture, he is to giue notice of it within twentie and foure houres after the receipt thereof vnto the Magiſtrates or other Officers to be thereunto appointed, to the end they may proceed therein againſt the ſender of the ſaid coyne, as it ſhall or may appertaine.

6 Yet ſhal the ſaid Receiuer keepe the ſaid coyns wholly to himſelfe, if the ſaid moneys be ſent vnto him in paiment of a former debt, and neuertheleſſe haue his action againſt the partie for ſo much as they ſhall want of the ſaid valuation: and if the ſaid coynes be ſent for any debt as yet not due, or to be made, the ſaid Receiuer ſhall reſerue to himſelfe ſo much as the forfeiture commeth vnto, and the remainder ſhall be deliuered to the ſaid Magiſtrate or Officer.

7 The Magiſtrats in places alſo where all ſuch moneys are ſent at a higher rate than the ſaid Proclamation, ſhal be bound to make good the ſaid inhancing vnto the Receiuer to whom the ſaid moneys were ſent; yet ſo that they may redemaund the ſame of the Magiſtrate of the place from whence the ſaid coynes were ſent, who ſhall alſo inſtantly reembourſe the ſame and haue power to recouer it, with the forfeitures therunto belonging, and hereby ordained againſt the perſons and goods of thoſe who haue ſent the ſame at a higher price.

8 All which ſhall bee obſerued alſo from the one Prouince vnto another, or the Counting-houſes of the generalitie, wherein they ſhall be ayding and aſſiſting each other, to maintaine the ſaid Proclamation accordingly.

9 And We do intend that the ſaid forfeitures ſhall be impoſed as well vpon the receiuer as vpon the payer, euerie one to the full, vnleſſe one of the parties did forthwith denounce the ſame to the Magiſtrates, in which caſe (whether he be the receiuer or payer) he ſhall be quit and free of the ſaid forfeiture, and moreouer enioy the one third part of the offendors forfeiture.

10 Prohibiting and expreſſely commanding, that no man hence-

*Siluer Coynes.*

| | Guilders. | Stiuers. | Flemiſh. ß. | d. |
|---|---|---|---|---|
| The Lyon Doller of the Low Prouinces | 2 | 0 | 6 | 8 |
| The Rickx Dollers in generall | 2 | 10 | 8 | 4 |
| The Croſſe Doller of *Albertus* | 2 | 7 | 7 | 10 |
| The Spaniſh Ryalls of 8 | 2 | 8 | 8 | 0 |
| The Doller of Zealand and Friſe with the Eagle | 1 | 10 | 5 | 0 |
| The Floren or Guilder of Friſeland | 1 | 8 | 4 | 8 |
| The Engliſh Shilling, and of great Brittaine | 0 | 10½ | 1 | 9 |
| The Marke peece, or Thiſtle of Scotland | 0 | 12 | 2 | 0 |
| The Harpe of Scotland and Ireland | 0 | 8 | 1 | 4 |

And if any of the ſaid peeces be found to want of their weight, and the appointed remedy, within the reſt of the ballance, or ſome little aduantage ouer, they ſhall be currant, paying (for euerie graine wanting) two pence Hollandts, whereof 16 make one ſtiuer, and the Engliſh groats are made bullion, or ſhall not be currant.

*Small Moneys for ordinarie payments.*

THe Shillings of all the ſeuerall Prouinces reſpectiuely, and of the Mints of Nimogen, Deuenter, Campen and Swoll — 6 Stiuers
The halfe Shillings after the rate — 3 Stiuers
The peeces called Flabs of Groninghen 4 ſtiuers, the double 8 Stiuers
The twintigſt part of the great ſiluer Royall — 2 ½ Stiuers
The double and ſingle ſtiuers of all theſe countries — 2 & 1 Stiuer

The tenth to be receiued in copper monies

1 Of all which ſmall moneys for the payments of rents, intereſt or abatement of the ſame, as alſo of all manner of Merchandiſe exceeding in one parcell the ſumme of one hundreth Guilders, no man ſhall be bound to receiue more than the tenth pennie.

2 The Duyts according to the order of the Prouinces made in the Prouinciall Mints, and none other, are as yet tollerated for a Duyt: and all other copper moneys of the Prouinciall Mints are alſo tollerated to be paied out for one pennie the peece, the 16 whereof make one Hollandts Stiuer and not aboue; whereas we do intend hereafter to prohibit the ſame to be currant for any price, becauſe wee will prouide our ſelues forthwith with ſo much copper mony as the commodiouſneſſe ſhall require.

3 We do alſo prohibit from henceforth no copper moneys to be brought into theſe countries aboue two ſtiuers, vpon paine of ten ſtiuers for euerie peece to be forfeited: and whoſoeuer ſhall iſſue any copper moneys aboue the ſaid price, ſhall incur the like penaltie of ten ſtiuers for euerie peece.

4 And all the ſaid coynes ſhall be currant in theſe Prouinces for the

the prices aforesaid, declaring all other peeces for bullion, which by this Our proclamation are not valued, prohibiting any of the said peeces to be offered or receiued; as also to presse any of those which are valued to be paied at a higher price than they are valued, and likewise offer to put forth other coynes of gold and siluer valued, which are clipped, washed, broken, mended, neiled or otherwise augmented in weight, vpon forfeiture of all the said coynes so to be offered at higher rates than this proclamation doth permit: and if the fact be not instantly discouered, to forfeit the value thereof, and moreouer the quadruple or the value thereof, or 24 guilders in liew thereof, if the said coynes did not amount to sixe guilders for the first time, the second time double, and for the third time quadruple; and moreouer arbitrable correction according to the qualitie of the fact.

All other coynes made bullion to be molten.

5 Without that any distinction shall be made, whether the said coynes were instantly paied from forreine parts, or sent from some one Prouince or Towne into another, in which case, if the receiuer thereof will be freed of the said forfeiture, he is to giue notice of it within twentie and foure houres after the receipt thereof vnto the Magistrates or other Officers to be thereunto appointed, to the end they may proceed therein against the sender of the said coyne, as it shall or may appertaine.

6 Yet shal the said Receiuer keepe the said coyns wholly to himselfe, if the said moneys be sent vnto him in paiment of a former debt, and neuertheless haue his action against the partie for so much as they shall want of the said valuation: and if the said coynes be sent for any debt as yet not due, or to be made, the said Receiuer shall reserue to himselfe so much as the forfeiture commeth vnto, and the remainder shall be deliuered to the said Magistrate or Officer.

7 The Magistrats in places also where all such moneys are sent at a higher rate than the said Proclamation, shal be bound to make good the said inhancing vnto the Receiuer to whom the said moneys were sent; yet so that they may redemaund the same of the Magistrate of the place from whence the said coynes were sent, who shall also instantly reembourse the same and haue power to recouer it, with the forfeitures therunto belonging, and hereby ordained against the persons and goods of those who haue sent the same at a higher price.

8 All which shall bee obserued also from the one Prouince vnto another, or the Counting-houses of the generalitie, wherein they shall be ayding and assisting each other, to maintaine the said Proclamation accordingly.

9 And We do intend that the said forfeitures shall be imposed as well vpon the receiuer as vpon the payer, euerie one to the full, vnlesse one of the parties did forthwith denounce the same to the Magistrates, in which case (whether he be the receiuer or payer) he shall be quit and free of the said forfeiture, and moreouer enioy the one third part of the offendors forfeiture.

10 Prohibiting and expressely commanding, that no man hence-

forth ſhall preſume to buy or ſell any wares or merchandiſes, or deale for moneys by exchange or intereſt, nor buy new or old rents, or otherwiſe deale and negotiate than according to the ſaid price and valuation of moneys of this Our permiſſion and Ordinance, vpon forfeiture of the ſaid ſummes, and moreouer quadruple the value thereof.

11 Our intention being, That no paiments of Impoſts, Demeſnes or Reuenues of Lands, Townes, Villages, contracts of Merchandiſes, Hires, Rents, intereſt or any Debts ſhall be paied than according to this our valuation; to weete, euerie Gu elder with the one halfe of a Lyon Doller, and one pound Flemiſh with three Lyon Dollers, or with other coynes of gold and ſiluer, according to their intrinſicke value, as the ſaid Lyon Doller, or the great Golden Royall now containeth. After which two (as being chiefe and ſtandard peeces) all the precedent moneys of gold and ſiluer are valued; without that it ſhall be lawfull vnto any man to make any lighter paiment than according to the ſaid valuation, vpon paine the ſame to be void, and no courſe of law to be miniſtred thereupon, and moreouer to incurre the penaltie in the next Article mentioned: according to which, all courts of juſtice, Magiſtrates of the bench or iudgement ſeates, and all other Iuſtices are to pronounce their ſentences, and to make their decrees, notwithſtanding any treſpas which contrarie to Our intention and expectation might be practiſed, or at any time be put in vre, cancelling from henceforth all thoſe which are contrary to the ſame, forbidding any execution, depoſitation of moneys, or other courſes of juſtice to be done therupon: declaring moreouer, that all ſuch Iudges as ſhall haue pronounced the ſentences, and the ſaid Officers that ſhall haue aſſiſted therin ſhall forfeit and incur the penaltie of fiue Netherland golden Royals for euerie perſon at euerie time.

Standard peeces of the vnited Low Prouinces 1622.

12 And to the end that the ſtabilitie and certainty of this valuation (which we haue taken to heart and in ſingular commendation, and intend further to care for) may take the better effect, We do ordaine, that inſtantly vpon the publication of this Proclamation (whereof mention is made in the latter end) all perſons being in any office, Eſtates and Officers high and low, ciuill or militarie of countries, towns, members of colledges, or particular Lords within the ſaid vnited prouinces, ſhal take their ſolemne oath for the performance of the ſaid ordinance, to cauſe the ſame to be maintained and obſerued for ſo much as any maner of waies may concerne their offices & command.

13 And if any of the ſaid perſons ſhould perchaunce be found forgetfull, and to haue tranſgreſſed the aforeſaid points in the paying out, or receiuing of coynes not permitted by this Our ordinance; likewiſe of clipped, waſhed, cracked, mended, nayled, or otherwiſe augmented coynes in weight, or giuing them in payment at a higher price than this Our ordinance; We do order and eſtabliſh, that all the ſaid forfeitures committed, and to be committed, ſhall (reſpectiuely) be paied double. And moreouer, if they iſſue any

coynes

coynes made bullion, or other moneys aboue their values, they ſhall be depriued of their offices, vpon the verification of the fact, without any pardon to be obtained for the ſame.

14 And the better to bring this ordinance in courſe, We do prohibite all Treaſurors, Receiuers, Rent-gatherers, their Deputies or Clarkes, and all other perſons being in publicke ſeruice or adminiſtration to pay any of the ſaid moneys by aſſignation or otherwiſe, but to returne the ſame where they haue beene receiued, vpon the forfeitures aforeſaid, vnleſſe it were that the aſſignement were made vpon publicke Counting-houſes or Bankes, and not vpon particular perſons, as Fermers, Collectors, and the like, being likewiſe bound by the ſame oath; but this is to be done but once by him vpon whom this ordinance falleth out, and no further.

15 And to diſcouer the offences which they might do in their payments, We do order, That inſtantly when any payments are made, they ſhal indorſe vpon the acquittances and diſcharges of their payments (amounting to the ſumme of one hundred Guilders) the ſeuerall ſpecies of gold and ſiluer wherewith they haue made the ſaid payments, and the price according to which they haue paied the ſame, with mention alſo of the graines which are wanting and payed for, to be ſubſcribed by him that hath receiued the ſame, to the end, that vpon their accounts notice may be taken thereof, vpon forfeiture that the ſaid acquittances or diſcharges ſhall not be allowed: and whoſoeuer doth receiue the ſaid ſpecies and not vnderwrite the ſame, ſhall forfeit the fourth part ſo by him receiued.

16 Commaunding the Auditors (reſpectiuely appointed) to take the accounts of the ſaid Accountants to gouerne themſelues accordingly, and not to allow of any acquittances or diſcharges than is aforeſaid, but by the ſaid acquittances to find out the offendors.

17 Moreouer the ſaid perſons are bound, that whenſoeuer any coynes of gold ſhall be receiued by them, which are too light, they ſhall with a ponchion marke the ſame; and vpon the ſiluer coyne, they ſhall for euerie farthing or eight graines which the peece is too light, put vpon the ſaid peece one graine or round O before they iſſue the ſame, vpon forfeiture of halfe a Ryder for euerie peece. Marking and weighing of forreine ſiluer.

18 They ſhall alſo for thoſe to whom they ſhall pay any moneys, haue in readineſſe ballances and weights in their places where they keepe their Banks, vpon forfeiture of halfe a Ryder for euerie default to be made therein.

19 And all the ſaid countable Officers, as well generall as particular, ſhall be bound to haue this our ordinance with the figures alwaies readie vpon their Bankes or Counting-houſes, as alſo a proclamation fit to be affixed in print, declaring the Valuation of the ſaid coynes, to the end euerie man may gouerne himſelfe accordingly, vpon forfeiture of fiue Netherland Ryders, to be paied as often

as they shall be found without them in their said Offices or Counting-houses.

20 Prohibiting all Receiuers, Bankers, and Exchangers, their Deputies and Officers, together with all Merchants or other persons of what qualitie and condition soeuer, to cull out any coynes, to separate the light ones for to be issued, and with the weightie ones to make a benefite, vpon forfeiture of twentie and fiue Neatherland Ryders.

21 Prohibiting also that none of the coynes of Gold and Siluer which are valued by this Our Proclamation (vnlesse it be the Spanish Ryall of 8, with his Proportions) shall be deliuered into any Mint to be molten; to which end, we commaund all the Mint-masters of these Prouinces, that they do not receiue any of the said coynes for to melt them: and if any be so brought vnto them, to detaine the same, and to giue notice thereof vnto the Generalls of the said Mints, to proceed therein as it shall appertaine. And whosoeuer shall be found to go about to sell the said coynes, or hath sold or broken the same, We will haue the same to be forfeited, and the double thereof ouer and aboue.

There will be no cause to do it.

22 Prohibiting also the importation of any coynes (not valued by these presents) either of Gold or Siluer to be brought in, for to be distributed.

23 And for the better discouerie of the said first authors or importers of prohibited coyns, We do command all Our Officers to do their vtmost endeauours to inquire of those with whom they shal find any of the said coynes of whom they had the same, and so from person to person, vntill the first importers, causing them to be punished as aforesaid, vnles some can name his fitst author, wherwith he shal be cleered of the said forfeitures: and if he do voluntarily accuse his author, he shall inioy the one third part of the same; and the said first importer shall be banished out of all the said Prouinces.

24 If any Officers shall make doubt, that any of the said persons haue not dealt well, or misbehaued themselues, then shall they (with the Magistrate) haue authoritie to put them to their oath, of whom they haue receiued the said coynes, and at what price they haue receiued and paied out the same: and if they denie to declare the same by oath, hee shall be taken as conuicted of the said tresPas, according to this ordinance. But if without equiuocation he will roundly declare the trueth, wherby the fault shall appeare, he shall be pardoned of the forfeiture, and also enioy one third part of the offendors penaltie, if it be to be had.

25 And in like manner they may, and We do authorise them by these presents, to seize and open coffers, trusses, and the letters of Messengers, where they haue suspition to containe any coyne. Prouided alwayes that the said opening be done in the presence of him to whom the said coffers, trusses, or letters were directed, if they can instantly come at them, besides some one of the Magistrates where

the

the ſaid ſeizure is made; to the end that thereby the name may bee knowne of him who hath ſent the ſaid moneys at higher prices; and to no other effect.

26 All which penalties and forfeitures ſhall be diſtributed, the one third part to the poore of the towne where the penaltie falleth; the other third part to the accuſer, and the other third to the officer who ſhall challenge the execution to be done; vnleſſe it were that the ſaid forfeitures did exceed the ſumme of fiue thouſand Guilders: In this caſe the one halfe ſhall bee for the benefit of the common cauſe, and the other halfe to be diuided proportionably betweene the ſaid three parties. And to the end the accuſer herein may doe his vttermoſt diligence, his name and perſon ſhall be concealed ſo long as poſſible it may be.

27 And herein we vnderſtand, that not onely the perſon which hath committed the ſaid treſpaſſes ſhall bee ſubiect to anſwere for himſelfe, but alſo for them of his family: The Husband for his wife, the Parents for their children, the Maſters and Miſtreſſes for their ſeruants, men, or maides, vnleſſe it were the ſaid ſeruants had done the ſame without their priuitie or knowledge.

28 And to the end that this our preſent ordinance, may bee kept and fully accompliſhed in all her points: We doe order and command all the officers of our ſaid Prouinces, and euerie one in his office, to haue an eſpeciall care and regard of the infringers and tranſgreſſors of this our ordinance, and to bring them before the Magiſtrates of their iuriſdiction: Without that the ſaid forfeitures be any wayes diminiſhed, vpon penalty to be depoſed of their offices, and euer after to be diſabled to ſerue in any office, without that they may excuſe themſelues by ignorance, or by a generall tranſgreſſion of our ordinance; which excuſe ſhall not be auaileable vnto them, but our intention is to puniſh them for their negligence and ſloth.

29 We doe further command all Magiſtrates and Iuſtices, that ſetting aſide all other buſineſſes and affaires, they doe proceed herein ſummarily, onely the truth of the fact being knowne, to the condemnation of the tranſgreſſors, as ſoone as by two witneſſes they ſhall bee conuicted: And heerein ſhall the teſtimonie of the like offender be admitted, and their ſentences ſhall be without appeale or any preiudice.

30 We will and command, That whenſoeuer it ſhall manifeſtly appeare that the perſons haue tranſgreſſed, and are found vpon the fact, or that by two witneſſes the ſame can be prooued againſt them, the offendor ſhall be bound to depoſite the ſaid forfeitures, before he ſhall be admitted to defend himſelfe by the Law, whereunto he is to be compelled inſtantly, by the apprehenſion of his perſon and otherwiſe: And if it be found that hee is not able to pay the ſaid penalties, hee ſhall be puniſhed by corporall puniſhment as the cauſe ſhall require.

31 The Iudges and Magiſtrates ſhall haue no authoritie to diminiſh

niſh or moderate their decrees and ſentences concerning the ſaid penalties, vpon forfeiture to pay themſelues the double value thereof: and if any of the ſaid offendors ſhould obtaine of the higher powers any fauour or abatement, yet ſhall they bee bound to ſatisfie the accuſer and the officer for their ſaid part proportionably, according to the ſaid forfeitures.

32 And to the end that Our ordinance may bee better obſerued, We doe will and order, That the Councell of State of the ſaid Prouinces vnited, ſhall call before them the Receiuer Generall of the ſaid Netherlands, the Receiuer of the Contributions, Confiſcations, and other ordinarie meanes which are letten to ferme, or to be collected, together alſo with the Commiſſaries, Clarkes and ſeruants of counting-houſes, as alſo the Commiſſioners of muſters, ammonition, victualls, and wagons, and to cauſe them ſolemnely to ſweare to obſerue and keepe all the points and Articles of Our ſaid ordinance.

33 The Councell of State alſo ſhall appoint Commiſſioners for muſters, to take by the courſe thereof, the oath of all Collonels, Maſters of horſe, Captaines, Lieutenants, Ancient-bearers, Serieants, Clarkes and Sollicitors of Companies in Our ſeruice millitarie: which oath being taken, ſhall forthwith (by forme of Act) be ſent vnto the Councell of State.

34 Likewiſe that the Councel of Admiraltie, the Officer of Conuoyes, Maſters of Licents, their Commiſſaries, Clarkes and ſeruants, and others that are accountable, ſhall doe the like.

35 We doe further order, that the Committees of Our Councell, the Councel Prouincial, or of Finances of euery reſpectiue Prouince, for themſelues, or their Committees ſhall call before them all accountable Officers, as well Stewards of the Demaynes and ſpirituall liuings, Receiuers of the ordinarie meanes, Collectors of toles, and all others, with their Clarkes and ſeruants, which haue the managing of the coynes of particular Prouinces. *Item*, The Regiſters and Secretaries, Aduocates, Procters, Warders of Colledges, courts, and chamber of finances to take the aforeſaid oath.

36 The Committees of States, and their Deputies or Councell Prouinciall, ſhall haue care alſo, that all Townes and Villages of the ſaid reſpectiue Prouinces, ſhall take the ſaid oath before them that are accuſtomed to take the ſame; and where the ſame cannot conueniently be done, the ſaid Committees of States, their Deputies and Prouinciall Councell, ſhall appoint in all Townes and Villages ſome perſons to take the ſaid oath, before the Borough-maſters, Magiſtrates, Treaſurers and Secretaries of the ſaid Townes and places: alſo the Gouernours of the Eaſt-India Companie, and all other Companies alreadie erected, or which hereafter ſhall be erected, as alſo all Treaſurers, Receiuers, Rent-gatherers, and their Committees, or Clarkes of Lords, Princes, Earles, Barons and other of higher powers: *Item*, all Deacons of Churches, Maſters of the Hoſpitalls or Orphants, Almoners,

moners, and all thoſe that ſerue in Almes-houſes, houſes of correction or Colledges, and their ſeruants. *Item*, All Bankers of moneys, their Deputies and ſeruants, all Maſters of Corporations or Societies, Maſters of handie-craftſ-men, or trades, ſuch as liue by Rents, Merchants in Groſſe or by Retaile, Shop-keepers, Brewers, Woodmongers, Herring-mongers, Cheeſe-mongers, Dyers, Beere-mongers, Inne-keepers and Tapſters, and all thoſe that vſe any trade: *Item*, all Chamberlaines and Notaries reſorting vnder them, Collectors of ſmall duties, Fermers, Impoſt-maſters, and of conſumptions, Tole-gatherers, gatherers of Poundage, Brokers, and their Committees, Clarkes and ſeruants within Townes and other places reſiding reſpectiuely vnder them. And further all thoſe that the Magiſtrate of euerie towne, place, or village ſhall hold conuenient or iudge to be neceſſarie ſhall take the ſaid oath, vpon penaltie (in caſe of refuſall) to pay euerie day three guilders ſo long as they doe not performe the ſame according to the Proclamation: and moreouer to loſe their freedome of a Citizen, & of their trade, office, or traffick; ſo as no man ſhall be admitted vnto his office, trade, or trafficke to exerciſe the ſame, vntill he haue firſt (in conformitie of Our ſaid Proclamation) taken the ſaid oath.

37 We haue alſo concluded and thought good, That the Councell of State, the Councell of the Admiraltie, the Committees or Deputies of the ſaid reſpectiue Prouinces, and all Courts of Iuſtice, ſhall promiſe vnder their Signature, vpon the oath they tooke at the entrance of their office, to keepe all the ſaid points and Articles, none excepted: And the ſaid Courts of Iuſtice, ſhall (in forme of Act) ſend the ſaid oath of all the ſaid ſeuerall perſons mentioned in the former Article to the ſaid Lords, Eſtates of the ſaid reſpectiue Prouinces, or in their abſence to the Committees or Deputies of States, within fourteen dayes after the publication hereof: which Committees or Deputies of States ſhall within other 14 dayes after that ſend the ſame vnto the Eſtates Generall, to know thereby that this Our ordinance is receiued, and the obſeruation thereof eſtabliſhed: the like is to be done by the Councell of State, or of the Admiraltie and their Committees or Deputies, and others within the time aforeſaid.

38 Ouer and aboue all the aforeſaid oathes, to be done reſpectiuely by euery one, the ſaid Prouinces haue mutually promiſed, and by theſe preſents do promiſe each to other, to obſerue and cauſe to be obſerued the ſaid Proclamation in all and euery point and Article, without any alteration to be done therein, making void and annihilating from hence forward all particular graunts, conſents, ordinances, priuiledges, permiſſion or commaund, which (contrarie to the ſaid valuation) in part or in the whole, by any of the ſaid Prouinces, Townes, Colledges, and Magiſtrates, or other members of the ſame, might be giuen and granted, being oppoſite to the common good and welfare of the countrey.

39 Alſo becauſe that hereby the ſaid valuation is much eaſed, for the

the multitude of coyne, whereby it is apparant, that many coynes of Gold and Siluer Bullion ſhall be incident in theſe Prouinces, to the end Our inhabitants be not ouermuch charged with the ſame, but with the leaſt grieuance might be freed thereof; Wee will and command the Generalls of Mints, inſtantly and with all ſpeed, to take care that in all townes of theſe vnited Prouinces, with the approbation of the Magiſtrates reſpectiuely, where there are no Bankes of Exchanges, nor Exchangers, there be appointed one or more perſons of credit and reputation (as the conueniencie of the place ſhall require) to be Exchangers: and in places where ſuch perſons are to bee found as are fit thereunto, that the Magiſtrates ſhall procure them, and giue them honeſt recompence, and to furniſh them with conuenient inſtructions and commiſſions, vnto whom or into the Mints, euerie man hauing Bullion ſhall deliuer the ſame, as is mentioned in the Manualls thereof: prohibiting vnto all men that are not authoriſed thereunto, not to meddle with any exchanging function directly nor indirectly, vpon forfeiture of fiftie Netherland Golden Ryders *in ſpecie* for the firſt time, and double the ſecond time, beſides arbitrable correction: the one third part to the benefit of the officer, the other third to the accuſer, and the other third to the Exchangers of the place where the ſaid penalties or forfeiture ſhall happen.

40 And for the better obſeruation of this preſent ordinance and command, We doe order and command, That the ſame ſhall be publiſhed in all accuſtomed places where Proclamations are made, euery three moneths preciſely, and as often as occaſion ſhall require to bee renued and publiſhed; requiring therefore the States of euerie reſpectiue Prouince, and their Committees or Deputies of States to cauſe the ſaid publication to be done at the dayes nominated.

41 Finally, albeit Wee haue cauſed the ſaid valuation to bee eſtabliſhed vpon a firme and ſure ground, without limitation thereof to any time certaine: neuertheleſſe to accommodate, and for remarkeable reaſons; Wee haue condeſcended and tollerate, that the following ſpecies of Gold onely and none other, ſhall bee iſſued and receiued for the prices hereafter, vntill the laſt of September now next enſuing.

42 Prouided alwayes, That all ſentences pronounced before the date of theſe preſents, for the payment of any moneys according to the permiſſion of that time, ſhall remaine and be maintained and ſatisfied according to the tenor thereof; without that by the ſaid valuation or following tolleration, any thing to the contrarie ſhall be innouated or aboliſhed.

43 Alſo during the ſaid tolleration, no coynes to bee payed for lands or heritages, or rents vpon Bills, or paiments vpon Obligations (vntill Ianuarie laſt) ſhall bee drawne againſt the will of the partie to the ſaid prices of tolleration, but are to be performed according to this preſent valuation.

44 Likewiſe the ſaid Bankes of Exchanges, ſhall haue no power

to

to take in payment the ſaid coynes at higher prices, nor to iſſue the ſame otherwiſe than the ſaid finall valuation, and not according to the following tolleration, which (as vnneceſſarie) are here omitted, the time being expired.

*Obſeruations concerning the ſaid Proclamation and Ordinance.*

THat the manner of popular gouernments in their Proclamations, Placcarts, Edicts, and Ordinances doth much differ from the Proclamations which are made in Monarchies where Magiſtrates and Iudges are of greater reputation and dignitie, according to their royall Parlements.

That in the yeare 1594, all mints ſtood ſtill for one whole yeare to preuent the inhauncing of coyne betweene man and man: and the ſaid States did declare, that it was not in their power to reforme the ſame, ſo long as the ſeuenteen Netherlands were diuided; euery one claiming as abſolute authority as the other, as members of one bodie. And that now they haue deuiſed a courſe to make their Proclamations effectuall within the vnited Prouinces, to their great benefit, if we will conſider the nature of the former valuation of coynes made by Princes and Merchants, with their ſeuerall branches, which by policie are made inconſtant. And Germanie, Fraunce, and other countries haue not as yet taken any courſe in their moneys, anſwerable thereunto.

That the Lyon Doller, and the great golden Royal of the ſaid vnited Prouinces are valued and made the ſtandard peeces of all the gold and ſiluer coynes made currant by this Proclamation. And that all other coynes of what Kingdomes or States ſoeuer are made bullion, and not to be currant within the ſaid Prouinces.

That ſiluer coynes ſhall be weighed as well as the gold, whereby a more certaintie may be made in the calculation of the Par for exchanges, the rather for that their ſpecies are far leſſe in number, and the proportion betweene gold and ſiluer can be better deſcerned; yet without the rule of exchanges by bills, ſtil great aduantages may be taken by one nation againſt another.

That the ſcope of this Proclamation is to ſet their Mints on worke by aboliſhing all the ſeuerall coynes of gold and ſiluer of all kingdomes not valued or made currant thereby, which may be ſeene by the former declarations of their weight and fineſſe; in ſo much that whereas in the yere 1586, when the Earle of Leyceſter went ouer to take the gouernments of thoſe countries, by the direction of the late Queene *Elizabeth* of bleſſed memorie, the Lyon Doller (made now to be the ſtandard peece) was valued at thirtie ſix ſtiuers, and the Engliſh ſhilling (which is now required to be deliuered by weight) was valued at ten ſtiuers: And now the ſaid Lyon Doller (albeit decreed after the former inhancement) is ſtill valued at fortie ſtiuers, which is one ninth part, increaſed, according to which the Engliſh ſhilling ought

The coyning of moneys is a marke of ſouereignetie, ſo that the melting of money is a great matter of ſtate.

Decreed foure vpon the hundred.

ought to be increaſed alſo $\frac{1}{5}$ part, which for 10 ſtiuers would be 11 ſtiuers and $\frac{1}{5}$ part, whereas the ſame is inhanced but to ten ſtiuers & one halfe, and no more. The difference in exchange (according to the valuation) being in the one after the rate of 35 of their ſhillings, for our 20 ſhillings, and in the other aboue 37 ſhillings in the maine ſtandard coyne, and much more in the ſmaller coynes; whereof more hereafter concerning Exchanges.

The like conſideration is to be had for the valuation of moneys of other countries, whereby authoritie will rule their owne, and not according to the rule of other Nations, but by equalitie and equitie, which no Nation can controll or contradict. Wherein conſider we likewiſe the ſtandard peeces of the late Arch-Duke *Albertus* of Auſtria for the vnited Prouinces, declared by their Proclamation in the yeare 1611, and we ſhall find the like ground and foundation to their aduantage, albeit they ſeeme to find fault with the diſorderly courſe of moneys, which is one of the greateſt policies in State affaires. The ſaid Arch-Duke made (as now the States haue done) his owne coynes of Gold and Siluer for ſtandard peeces, namely the double Ducat of 23 carrats, $3\frac{1}{2}$ graines of Gold, at ſeuen Guilders and eighteene Stiuers: and the peeces of three Royalls, at fifteene Stiuers of tenne ounces and eighteene graines fine, by their calculation in the pound weight Troy. And by theſe meanes there is a new foundation laid downe for moneys in the ſaid ſeuenteene Low Prouinces, where heretofore they alwayes had the *Phillip* Doller of tenne ounces fine, and the Emperors Royall of gold of 23 carrats $3\frac{1}{2}$ graines fine for their ſtandard peeces. *Quiuadit plane vadit ſane*, taketh not alwaies place.

Moderne and ancient ſtandards of gold and ſiluer.

Laſtly, that the Mints of certaine Lords are called Hedge Mints, which are not vnder their commaund, as Batenborg, Heall, Bargen, Vianen, Gronſwelt, Rechein, Geuarden, Stenwart, and others, may follow their own courſe in the coyning of moneys, and by the means of commerce alter all theſe ordinances. For in the ſaid yere of 1586 all the ſaid forfeitures and penalties were far greater, and the melting downe of Queene *Elizabeth* her coyne was prohibited vpon paine of death and goods; yet all was neglected, and came into diſorder by the commaund of Gaine, which being taken away by a true courſe of exchange, is the only remedie to make the effects to ceaſe, and all other meanes are fallacies, and to be abuſed &c.

Hedge Mints.

(***)

CHAP.

## Chap. X.

### *Of the Lawes and Prohibitions againſt Vſurie.*

MAny are the authors which haue written againſt Vſurie in all ages, euerie man according to his profeſſion, moſt eſpecially the Diuines, who haue the word of God for their warrant, wherein alſo the auncient Fathers haue been verie ſtrict to conſtrue the ſame accordingly, making any thing taken aboue the principall to be Vſurie, becauſe the verie word of Vſurie in the Hebrew tongue is called a Biting, of this word *Neſhech*, which is nothing elſe but a kind of biting, as a dog vſeth to bite or gnaw vpon a bone, ſo that he that biteth not doth not commit Vſurie; for Vſurie is none other thing than a biting, as I ſaid of the verie Etimologie and proper nature of the word, otherwiſe it cannot be called *Neſhech*, as the Hebricians ſay. Definition of Vſurie.

According to the definition then of biting Vſurie, we are to proceed in this diſcourſe, after that we haue briefely declared the Laws and Prohibitions againſt Vſurie, wherein wee muſt begin with the holie Scripture, obſeruing theſe places.

God ſaith in the 22 of *Exodus*, *If thou lend Money to any of my people that is poore by thee, thou ſhalt not be an Vſurer vnto him, neither ſhalt thou oppreſſe him with Vſurie*. In another place, *If thy brother be waxen poore and fall into decay with thee, receiue him as a ſtranger, or a ſoiourner, and let him liue by thee, and thou ſhalt take no Vſurie of him, nor yet aduantage; but ſhalt feare thy God, that thy brother may liue with thee. Thou ſhalt not lend him thy money vpon Vſurie, or lend him of thy food to haue an aduantage by it.* Adde vnto this the places noted in the margine, and ſo let vs come to the holie ancient fathers. Saint *Hierome* ſaieth, There is no difference betwixt Vſurie, Fraud, and violent Robbing. Saint *Auguſtine* ſaieth, An Vſurer is he ſaid to be who doth demand more in money, or any other thing elſe, than he hath deliuered: according to which the ſaid Saint *Hierome* alſo ſaieth, That ſome do thinke Vſurie to be onely in money; but let them well vnderſtand, that Vſurie is an ouerplus in any thing aboue that which was lent. Saint *Ambroſe* likewiſe ſaieth, If any man take Vſurie he doth commit extortion, rapin and pillage, and ſhall not liue the life; as who ſhould ſay, he ſhall die therefore. To omit many other of the ſaid ancient fathers, Saint

Holie Scripture. *Leuit.25. Deut.23. Pſal.15. Ezech.18. Matt.5. Luke 6.*

Ancient Fathers. *Amb. de bono mortis.*

*Bernard* saieth, That the Vsuror is a theefe in law, because the Ciuile Law telleth him before hand what it is that he must rob from others, as who should say, such Lawes as permit Vsurors are lawfull theeueries. Hereupon the Canonists haue made Vsurors to be defamed persons: and if any man make (by his last Will and Testament) any goods vnto them, the Testament may be broken, neither are they to communicate with Christians, or to enter into their congregation to offer any oblation; and when they are dead, they should not be buried in Christian buriall, and if they be, the doers thereof are excommunicated.

Canon Law.

Decretals and Clementines, made by diuers Popes, are directly against Vsurie. *Alexander* the Pope doth straightly forbid all Vsurie, not onely vnto the Clergie, but also vnto the Layitie. In the booke *Sextus Decretalium*, *Gregorie* the tenth Bishop of Rome of that name, saieth, We (being desirous to stop the gulfe or whirlepooles of Vsurie committed, which doth deuoure soules, and vtterly wasteth wealth) do command vpon the threatnings of Gods curse, that the constitution of the latter Concile set forth against Vsurors be without any violation at all, fully & wholly obserued: and therupon a prohibition is made, That no Corporation, Colledge, or Vniuersitie shall let any house or dwelling place to any stranger Vsuror.

Decretals.

*Baldus* the Ciuilian speaketh bitterly against Vsurors in his booke of Councells, saying, That Vsurie is a gainefull piracie, contrarie to nature, vpon the loane of any thing that consisteth vpon Number, Weight, and Measure. *Bartolus* saieth, That all Vsurie is vtterly forbidden, and offensiue to God and man: So doth *Panormitane*, and diuers others learned in the Ciuile Law.

Ciuile Law.

*Aristotle* in his Politickes sayeth, That such money as bringeth forth money through Vsurie, is an ougly beast that bringeth forth monsters, from time to time, such as are not in nature.

*Aristotle.*

The Romanes being in their most flourishing estate, made a law by their twelue Tables, that no man should put forth money vpon Vsurie, but after one in the hundreth, called *Fœnus vnciarium*, whereas before that time, rich men might take at their pleasure. Afterwards it was ordained at the intreating of the Tribunes to take an ounce and a halfe, and that was thirtie shillings in one hundreth pounds: after that it came to foure in the hundreth, called Triens: and last of all to six in the hundreth, called Semissis. And yet all these alterations and diuersities of suffering in Vsurie notwithstanding, one *Genitius* a Tribune published a law, That it should not be lawfull for any man to be an Vsurer at any hand, or by any maner of meanes; and so by all deuises that might be, it was vtterly forbidden by diuers Edicts and Proclamations, which being often represſed, did yet notwithstanding breake out by wonderfull strange meanes. Wherefore *Tiberius Cæsar* to remedie this euill, and that no Vsurie should be vsed, he caused a maruellous masse of money to be laied in banke, to the summe of two millions and an halfe of Crownes, being fiue hundred

Genitius Law.

thousand

thousand pounds English or sterling, and tooke order that euery man should haue credit for three yeares without paying any Vsurie at all, putting in suretie for the double value of that he borrowed. And *Cornelius Tacitus* (a renowmed Writer) saith, The canker of Vsurie is an old venimous sore, and the chiefest head and cause of rebellion and variance in Countreys and Common-weales; and therefore it was altogether banished in the old time, when least corruption of life appeared amongst men. *Lucullus* so hated the excessiue dealings of the Vsurers, that wheras all Asia was ouerwhelmed with Vsurie, he cleered the same vtterly from all Vsurers. And so did *Cato* in Cicilia. *Cornelius Tacitus.*

*Anthoninus Pius*, *Alexander Seuerus*, *Claudius Vespasian*, *Leo*, and diuers other Emperors did restraine the couetousnesse of Vsurers from time to time: And the Emperor *Charles* the fifth (of late yeares) at an assembly at Augusta in Germanie, did conclude with the assent of the whole Empire, That no manner of contract that had any fellowship with Vsurie should be allowed; but rather that all Vsurie should be auoided for euer, and be neuer more vsed, and if any were found to haue made any such contract, the same man to forfeit to the Magistrate or ordinarie Iudge, the fourth part of his principall summe. Emperours.

*Plato* the Philosopher warneth among other things, in his fifth Booke of Lawes, That no bodie whatsoeuer hee bee, that will beare the face of an honest man, doe let out his money for Vsurie or gaine. The like saith *Cicero*, and many other learned Philosophers and Orators, as we haue noted of *Aristotle*. Philosophers, and Orators.

So did diuers Law-makers banish Vsurie, and vtterly suppresse the same; as *Licurgus* in Sparta amongst the Lacedemonians, *Amasis* in Egypt, *Solon* in Athens, *Sergius Galba* in Africa, being gouernour vnder the Emperour *Claudius*, and diuers others. So that Vsurie is condemned and forbidden by the holy Scripture, the Imperiall Lawes, Ciuile and Canon Lawes, ancient Fathers, Decretals, learned Philosophers, eloquent Orators, Historiographers, and Law-giuers. The consideration whereof caused me (some yeares since) to write a small *Treatise of the Operation of Vsurie in Kingdomes, States, and Common-weales; shewing (although allegorically) the effects of it, with the six members of euerie Common-wealth; which are Clergie-men, Magistrates, Noblemen, Merchants, Artificers, and Husband-men, by ouerthrowing the harmonicall gouernement of them, by too much inriching some, and by oppressing and impouerishing some others, bringing the instrument out of tune, when as euerie member of the same should liue contented in his vocation, and execute his charge according to his profession, whereby all things should be gouerned in the best and most assured manner that can be deuised, and (as it were) seeking a kind of certaintie in vncertainties, which is termed (Policie:) For all worldly and transitorie things being mutable, maketh the world properly to consist of discord and dissention, a verie vncertaine ground to build vpon, and yet a certaine equalitie and concord is required in euerie well gouerned Common- Law-giuers. *Saint *George* for England.

wealth, the Prince and gouernour hauing the diſpoſing both of the one and the other: Equalitie, concerning trafficke and commerce betwixt his dominions and other countreys; and Concord amongſt the members of a Common-wealth, where euerie member thereof doth liue contentedly and proportionably in his vocation. Both theſe are confounded by intollerable Vſurie, which is deſcribed vnder the inuented hiſtorie of Saint *George*, whereby our Sauiour Chriſt was prefigured, deliuering the Virgin (which did ſignifie the ſinfull ſoules of Chriſtians) from the Dragon, or Deuils power. So by the perſon of Saint *George* is vnderſtood the Kings authoritie, armed with the right armour of Chriſtians, who with the ſword of the Spirit of Gods moſt holy Word, explained and corroborated with ſeuerall other Lawes, ſignified by the Pybald horſe whereon hee was mounted, did deſtroy the Dragon (Vſurie) hauing two wings to aduance himſelfe, being *Vſura palliata*, and *Vſura explicata*, and his inconſtant taile *Cambium*; the Virgin or Kings daughter (being treaſure and moneys) to be deuoured by his meanes and forraine nations. The allegorie whereof requireth a due conſideration, and would in plaine termes be diſtaſtfull to diuers. This Dragon bringeth inequalitie in a Common-wealth by the meanes of his tayle, wherein lieth his greateſt ſtrength, making the expences thereof to ſurmount the reuenues. In the curing of which diſeaſe, thoſe would be thought to be verie fooliſh Phyſicians, that by their medicine ſhould caſt the Bodie Politike of a Common-wealth into a more dangerous ſickeneſſe. Wherefore as the wounds of this Dragon (Vſurie) are [illegible]ated, ſo muſt hee bee dealt withall by degrees and lenitie, admi[illegible] him for the time (as moſt States and Gouerments doe) as a neceſſarie euill, in regard of trafficke and trade; albeit that many Vſurers are like vnto Iewes, who thinke it lawfull for them to take any forfeiture, bee it neuer ſo vnequall and vniuſt, any morgage, any pawne, nothing is amiſſe for them; they are not afraid of that wenne which wee call *Anatokiſmos*, that is, Vſurie vpon Vſurie: no, they dread not to take tenne vpon the hundreth if it were for a weeke.

The Hiſtorie of S. *George*.

A neceſſarie euill.

The pretence of the Iewes is becauſe we are ſtrangers, as if wee were all Canaanites, or ſome of the ſeuen Nations which were as well to bee oppreſt by Vſurie, as to bee rooted out by *Ioſuah*: but theſe men cannot alleage any thing in their defence, but greedie lucre.

(***)

CHAP.

## Chap. XI.

### *Of Vsurie Politike, and Moneys deliuered at Intereſt.*

IN the precedent Chapter you may perceiue what Lawes and prohibitions are made againſt Vſurie: and neuertheleſſe the practiſe of it is moſt vſuall in many Kingdomes and Common-weales, and the Lawes are alſo made accordingly; for this ſinne is rather in the conſcience, than in the act, and therefore there is no penaltie impoſed vpon it by Gods Law. True it is that the Statute Law of England doth tollerate tenne vpon the hundreth, and ſo doe ſome other Lawes twelue and more: But the intent and not the rigour thereof, is to bee weighed for the cleering of iuſtice; and the preamble of the ſaid Statute Law in the narratiue part ſaith, That whereas Vſurie is againſt all Diuine and Humane Lawes, yet tenne vpon the hundreth is tollerated to be taken for the yeare, which by way of forfeiture in the nature of a puniſhment may be ſued for by the Law: but if there bee neuer ſo little taken aboue the ſaid rate of tenne vpon the hundreth for the yeare, the principle is loſt and treble damages.

The word Vſurie was not ſo odious in times paſt, as it is now taken by the abuſe of Vſurie Politike, no more than it is in Vſurie Naturall, and Vſurie Spirituall: and my meaning is not to maintaine Vſurie Politike in all reſpects, contrarie to the opinion of Diuines that haue the Word of God for their warrant; but the ouer-preciſenes therin may breed a great inconuenience to the Common-wealth. The Law of God did not puniſh theft by death, but onely by reſtitution; and as *Cato* ſaith, When a theefe was puniſhed to pay the double of that he had taken, the Vſurer was alwayes condemned to pay foure times the value. The Lawes therefore are made according to the alterations of times, nature, condition, and diſpoſition of the people, and ſimply to ſay that any thing taken aboue the principall is Vſurie, is wonderfull ſtrict, vnleſſe you take the word Vſurie to bee Biting, becauſe the ſame is neuer hurtfull but where it biteth; and the matter of conſcience conſiſteth in the not getting of your debtor, and not in the taking of much or little intereſt: The Vſurie is greater therefore to take but two or three vpon the hundreth of one that maketh no benefit of the money, than to take tenne or twelue vpon

Threefold Vſurie.

*Cato de Ruſtica.*

the hundreth of a Merchant, who maketh a greater gaine thereby, according to the holy Scripture, *Pecunia non poteſt parere alienas negociari miſerias; fratrem non mordebis, non munera ſuper innocentem*, which was the cauſe that by the Lawes of the Romanes, he that took Vſurie of the poore was more puniſhed than he that tooke, nay than he that did ſteale from the rich: for no man is bound by law or otherwiſe admoniſhed to lend money vnto thoſe that haue no need of it; and there is on the other ſide a conſcience to be vſed, if a man haue gotten well by another mans money, and doth pay the ſame againe without any intereſt or profit.

Alſo in caſe of intereſt taken it is conſiderable, That if I doe lend money to him that hath neede, and can afterwards prooue that for want of that money I haue ſuſtained great loſſe, or if my debtor doe breake day with me when I looke to haue it at the time appointed, and ſo am endangered to my neighbour for my neceſſarie payments, it is great reaſon that my debtor beare my loſſe, rather than I ſhould ſuſtaine harme or danger for my good will. And this is defined to be a gaine to be taken, *ex damno habito*, and it being ſo, is improperly called Intereſt, in defence of Vſurie. In like manner, if a ſhop-keeper lend money freely to his neighbour till ſuch a day, hauing then occaſion to vſe it at ſome Faire to lay it out in wares, if hee breake touch, the ſhop-keeper may in iuſtice take the benefit for his money, loſing the profit which he ſhould haue had by the wares which he was hindred to buy, and this is taken for *lucro ceſſante*: But in neither of theſe was an intention to deliuer money at Intereſt.

Vſurie, *ex damno habito*, improper.

*Ex lucro ceſſante.*

Some are of opinion, That it is better for them to deliuer their money by exchange, and that therein they are leſſe to be euill thought on, than by dealing vpon Vſurie: But this difference conſiſteth onely in the name; for they haue both an intention of gaine vpon money, and doe beare an aduenture for the loſſe of their moneys: whereas the one is bound to receiue but tenne vpon the hundreth at the moſt, and the other doth expect fifteene or twentie vpon the hundreth at the leaſt, onely in regard hee doth beare an aduenture to loſe by exchange (which is verie ſeldome:) but ſtill the intention remaineth, which ſhould be the ſureſt guide of conſcience to take away all counterfeit pretences.

Difference of gaine by Vſurie and Exchange.

The Venetians and others allow no Intereſt at all, but approue the benefit and courſe of exchange, although it be aboue Intereſt.

By the aforeſaid rules, Vſurie is weighed ſtraightly in regard of Charitie, albeit it may fall out otherwiſe that the borrower hath ſinned; therefore in ſuch caſes circumſtances are to be conſidered, and then iudgement to be giuen accordingly. If I deale with a Merchant that maketh gaine of my money with his trade and commerce, and is well able to pay mee againe, being chiefly inriched by my meanes; why ſhould not I in reaſon haue part of his benefit and aduantage, when by my goods hee is growne rich? Suppoſe foure men are become parteners, two doe diſburſe large ſummes of money, and the other

other imploy their labour and industrie to make (by lawfull trade) a great benefit thereby, is it not reason that the other two (although they were idle at home) should haue part of the benefit? You will say, you hold this reasonable, for it is not Vsurie at all: but these two men take tenne in the hundreth for their money; nay, then you reply and say, It is Vsurie, although the other two had gotten thirtie in the hundreth by it: How can this be a biting Vsurie? But they haue not borne the aduenture of the Seas, but conditioned a certaintie; the answere is, That they haue not onely borne the aduenture of the Seas, but many other casualties besides, and in trusting them that had no meanes of their owne: Well therefore say you, I will not deliuer my money but to rich men; herein you shew no charitie, and may be deceiued too, for you know not what money a man hath in his purse; so that your conscience is still the surest guide to direct you with prudence, as the loadstone doth the variation of the Pole. So much for particular persons. *Obiection.* *Answere.*

Now comming to examine what the Kings of England haue done concerning Vsurie, wee find that both before the Conquest and after, Vsurie hath beene banished by some Kings, and by some other Kings it hath beene tollerated, according to the times and occasions.

King *Edgar* before the Conquest, did vtterly forbid all Vsurie; so did King *Edward* the first, who did send out of this Realme, as well the Italian Bankers that came from Pope *Gregory* the tenth, called *Cursini*, as all manner of Iewes, who did mightily oppresse the Realme. To omit what other Kings haue done, we know that *Henrie* the eight, in the 37 yeare of his raigne made a Statute, whereby none were suffered to take aboue tenne in the hundreth vpon loane, either for wares or money: and this was repealed by the Statute of *Anno* 5, *Edw.* 6, which afterwards being found against Policie was abrogated. So the Statutes of Queene *Elizabeth* did succeed, which doe tollerate the said ten in the hundreth, which are of such strength and continuance at this present, that King *Iames* himselfe is contented to allow the said rate to the Londoners for some moneys borrowed of them; wherein (as I said before) time and occasions do alter things; and as the case for the present standeth with England and forraine Nations, we haue Vsurie like a Woolfe by the eares, dangerous to be kept, and more dangerous to abandone the same. This Vsurie being indeed exercised to the poore or to the rich, without respect of damage ensuing, becommeth intollerable: But in case of Interest, when time of payment is neglected in the state of orphants in mutuall hazard, or in hazard publike, simply to disallow it is to cut off all trade and commerce, or reparation of damages, and to goe about to remedie a mischiefe with a greater inconuenience. Bankers send out of the Realme. Where Vsurie is allowable.

The Law of *Iustinian* the Emperour, doth therefore moderate the course of Vsurie, which is much to bee regarded, where the words are thus, as followeth.

Wee

*I. Con. C. de Vsuris.*

„ Wee haue thought neceſſarie to make a generall Law or Statute
„ touching the quantitie of Vſurie, bringing the old, hard, and moſt
„ greeuous weight of the ſame, to a certaine moderate ſtay or meane
„ rate. Therefore We command thoſe Noble men that are Earles, or
„ their betters, that they doe not make any ſtipulation or firme bar-
„ gaine by any manner of contract whatſoeuer, great or leſſe, for Vſu-
„ rie or gaine to bee had aboue foure in the hundreth. Thoſe that are
„ guardians or gouernours ouer handie-crafts men, or places where Ar-
„ tificers doe worke, or elſe doe vſe any lawfull trade of merchan-
„ diſe; Wee will that they ſhall moderate their ſtipulation, or firme
„ promiſe taken in any bargaine to eight in the hundreth. And as for
„ thoſe that doe aduenture their goods beyond the Seas, and put out
„ their ſubſtance vpon their owne hazard; ſuch may lawfully demand
„ by firme promiſe to receiue twelue in the hundreth, and in no wiſe to
„ take aboue that rate; although by the old Romane Statutes it hath
„ beene lawfull to exceed. And We will that all other men ſhall take
„ onely ſix in the hundreth aboue the principall, and the ſame quan-
„ titie of exceſſe in no wiſe to bee enlarged in other contracts, where
„ Vſurie is wont to bee demanded without ſtipulation or couenant
„ made: neither ſhall it be lawfull to the Iudge to increaſe the fore-
„ ſaid taxation or rate made, by reaſon of the Cuſtome vſed in any
„ Countrey, &c.

This Imperiall Ciuile Law, hauing a regard to the qualitie of perſons was duely obſerued, albeit the lender of the money could haue taken more, when the borrower would giue it to ſerue his occaſions, without this preciſe obſeruation of the qualitie of perſons. A matter conſiderable now adayes ſince the Weſt-Indies haue beene diſcouered, whereby the currant of moneys is diuided into many countreys, and runneth alſo according to occaſions, and the Policie of States and Merchants. For the tolleration and permiſſion to deliuer money at Intereſt, doth differ in the rate in moſt countreys, taking in one place more and in another leſſe, according to the trafficke, and Merchants deuiſes.

*Difference of the rate of Vſurie.*

*A Policie by plentie of money.*

In Poland, Lituania, Pruſſia, and other countries adiacent, when they do abound in corne, money is commonly verie ſcarce, and the price of corne thereby much abated; at which time they will rather tollerate or proclaime the moneys to be inhanced in price, or to be deliuered at intereſt after fifteene, twentie, and ſometimes twentie and fiue vpon the hundreth for a yeare, or a leſſer time: hereupon preſently, great ſtore of money commeth from all places thither, which maketh the price of money to riſe. Afterwards when many ſhips are laden, and the fleet departed from Amſterdam and other places, then the intereſt beginneth to fall accordingly.

In the Low-countries it is lawfull for a Merchant to take twelue vpon the hundreth for the yeare, and after the rate for the longer or ſhorter time within the yeare. But this rate may not be exceeded, vnleſſe it be vpon ſome conditions of caſualties or aduenture.

The

The Romanes and Grecians made a difference as hath beene noted, according to the law of *Iuſtinian*. But the taking of one in the moneth was moſt vſuall, becauſe Merchants were the moſt lenders. And this twelue *pro centum* is to be vnderſtood alſo to be Intereſt vpon Intereſt, wherein equitie is to be obſerued: for this twelue pounds being deliuered out againe vnto another, is *pro rata* as beneficiall as the 100 ℔ principall. Albeit in caſe of damage, when matters between men are growne litigious, and depending in ſuits, then the courts of Equitie will account the whole time for the forbearance of the money, according to the yeres paſt, without any Intereſt vpon Intereſt.

Intereſt vpon Intereſt.

Polititians or ſtates-men are to haue a ſerious conſideration of the operation of this Vſurie politicke, as a propertie inherent vnto money, becauſe that according to the rate of Vſurie men do meaſure all their actions, by trade and trafficke, or purchaſe, build, plant and bargaine in all things accordingly. And vſurie is ſo inherent, and doth properly grow with the decay of trafficke, as paſturage doth increaſe with the decreaſe of tilling. Whereupon the following conſiderations are to be handled as matters of moment, eſpecially in kingdomes and common-weales which haue no gold or ſiluer mines of great value, but aboundance of forreine commodities returned for the great plentie and quantitie of their home commodities, wherein the high continuall rate of Vſurie may proue more preiudiciall than the abouеſaid policie of Poland, Lituania, or other countries can be beneficiall vnto them. For we ſee that generally all Merchants when they haue gotten any great wealth with vs, leaue trading, and fall to Vſurie; the gaine whereof is eaſie, certaine, and great: whereas in other countries Merchants continue from generation to generation, to inrich themſelues and the ſtate; as we find diuers renowned families in Germanie, Italie, Spaine, and other countries.

Vſurie a meaſure of mens actions.

The decay of trade increaſeth Vſurie.

There was this laſt yeare a Tract againſt Vſurie preſented to the high Court of Parliament of England, ſhewing the inconuenience of the high rate of Vſurie after tenne in the hundreth, in compariſon of the leſſer rate of ſixe in the hundreth, taken in the Low-countries, where money is ſo plentifull: and vpon this difference is a certaine operation of Vſurie noted to be predominant ouer vs, both in our trade, and other affaires.

*Anno* 1621.

Firſt it is alledged, that by reaſon of the high rate of Vſurie, not onely rich trades-men giue ouer trade, but a number of beginners are vndone and diſcouraged thereby, their induſtrie ſeruing but to inrich others, and begger themſelues.

Reaſons againſt the high rates of Vſurie.

Secondly, that many trades thēſelues are decayed thereby, becauſe they cannot affoord ſo great a gaine as ten in the hundreth; whereas if the rate of Vſurie were no higher than in other countries, they had ſubſiſted and flouriſhed ſtill, and perhaps with as much aduantage to the publicke, as thoſe that do bring more to the priuate aduentures, which ought to go together, or elſe the common good of the State is ſeldome greatly aduanced.

Thirdly,

Thirdly, that by this disaduantage betweene six and ten in the hundreth, other nations, and especially our industrious neighbours do out trade and vndersell vs, for they almost double the vse allowed, which we cannot by paying ten in the hundreth; wherby also all contributions to the war, works of pietie, and glorie, of State are better cheape to them than to vs; as also the buildings of ships or hiring of them, and all other things.

Fourthly, that aboue all the rest, it maketh the land it selfe of smal value, causing the same to be sold so good cheape, that men doe not seeke by industrie any more to improue them, which is plaine both by example and demonstration. For we see in other countries, where the vse of money is at a low rate, lands are generally sold for thirtie, fortie, and some for fiftie yeares purchase, being the best assurance, and securest inheritance which men haue, and therefore bearing still a rate aboue money, which would increase if the rate of Vsurie did decrease: and consequently labourers wages and other dependances thereupon, which are therein more amplie declared, the scope of all tending to haue a moderation in the price of Vsurie.

Obiections to the moderation of the rate of Vsurie.

Hereunto are certaine obiections also alledged, and their answeres to maintaine the rate of Vsurie at ten in the hundreth with vs in England; albeit other nations take but foure, fiue, and six in the hundreth, or $6\frac{1}{4}$ which is called rent after the pennie sixteene for sixe times sixteene, and one fourth maketh a hundreth, after the manner of the Low-countries.

The obiections are few in number. First, The long continuance of ten in the hundreth and things are well enough. Secondly, That sodaine changes are dangerous. Thirdly, That money will sodenly be called in, and the borrowers be much preiudiced. Fourthly, That money will be harder to come by, and commerce much hindered. And lastly, That Merchant Strangers money now going here at vse, will be carried away againe, if the rate of Vsurie should be called downe.

Answere to the obiections.

The answere to the first and second obiection is, That the practise of Vsurie hath not beene so generally vsed as it is now, when mens consciences are hardened vnto it, without any scruple or indifferent consideration, whereby as in bodies natural, so in politicke, diseases grow by the too much or the too little of a due proportion in all humane actions. And the rule that innouations are dangerous holds true, where the bodie naturall or politicke is in perfect state of health; but where there is a declining, there to make no alteration, is a certain way to run to destruction.

To the third, That money will be sodainely called in. It may be made or enacted, that the borrower shall haue two yeares time for the payment of the money he oweth, paying the Interest, and obseruing such cautions, conditions, and limitations as may be thought conuenient.

To the fourth obiection, That money will be hard to be borrowed,

it is

it is well knowne that the high rate of vſurie doth not increaſe in the quantitie of money (whereof hauing plentie) cauſeth commerce to flouriſh, and if money at intereſt were called downe, what will Vſurers doe with their money? They will not keepe it by them as a dead ſtocke, for either they muſt imploy it in trade, purchaſe lands, or lend for vſe at ſuch a rate as the Law will tollerate; ſo that herein can be no hurt.

To the laſt and weakeſt obiection, concerning the money of other Nations deliuered at intereſt here, it is demanded, Whether it bee meete to haue them to feed vpon the Realme, and in proceſſe of time to carrie out ſuch gaines thereby by multiplication of intereſt. For to men of vnderſtanding in caſting of accounts, it is plainely manifeſt that a hundreth pounds managed at tenne in the hundreth, multiplies it ſelfe in ſeuentie yeares (being the age of a man) to a hundreth thouſand pounds, and it is therefore compared to the Butlers boxe: For euen as men when they are at play, feele not what they giue to the boxe, but at the end of Chriſtmaſſe it makes all, or neere all gameſters loſers: ſo there are not few which continue in Vſurie, that are not ruined. And ſo the ſaid Treatiſe concludeth tenne in the hundreth to be biting Vſurie. Intereſt which ſeemeth incredible.

But to apoſtrophate this diſcourſe, and to remedie the matter; let vs but procure to haue plentie of money really *in ſpecie* within the Realme, together with the meanes vſed in other countreys in the lieu of moneys; as the transferring or ſetting ouer of Billes betweene man and man, the paiments by aſſignement in Banke without handling of moneys, and Letters of Credit, or Billes of Exchanges, as you may find in this Booke declared. For plentie of money will not onely preuent, but alſo effect the benefits intended in the ſaid Treatiſe, making Vſurie to decreaſe in price, as in other countreys where they are tollerated to take twelue in the hundreth; and yet moneys are plentifully to bee had, at fiue, ſixe, and ſeuen in the hundreth: Then will the Kings Cuſtomes increaſe, and Commerce flouriſh, Noblemens and Gentlemens landes bee improoued, Merchants and Artificers be incouraged, young beginners bee inabled, labourers find quicke imployment, and Vſurers may haue land for their moneys. Plentie of money decreaſeth Vſurie in price or rate.

Some will ſay vnto mee, conſidering the premiſſes, That to take tenne in the hundreth of a rich Merchant indeed, or of any other that buyeth landes, or maketh gaine by the money, is no biting Vſurie. Herein (to qualifie the contents of this and the precedent Chapter) I note two conſiderations for that purpoſe; albeit that it ſeemeth no Comma can bee made (as it were) from the higheſt Climate to the loweſt Center in regard of the litterall wordes, denounced by way of curſe againſt Vſurie: For if on the one ſide, you will take all Texts of Scripture ſo preciſely as men doe, without conſtruction; as for example, *Giue to euerie man that asketh of thee*, *Be alwayes glad*, *Pray alwayes*, and the like; and on the other ſide, *Phil. 4.* *Luke 18.*

ſide, ſo little regard them by large interpretations in taking great Vſurie, what confuſion and diſorder would this bring to the Common-wealth? Therefore to anſwere the queſtion, I ſay, That conſideration being had in your particular, and the partie who made benefit of your money, there is no biting Vſurie committed and no hurt done, but rather mutuall loue increaſeth: but if there be conſideration had of the generall, there is biting Vſurie committed, and euen vpon the poore and mechanike people. For by your meanes (and others deliuering moneys at intereſt) is the ſame incorporated into rich mens hands, whereby the meaner ſort of people can haue none to ſerue their occaſions, but at verie exceſſiue and abominable rates, and that vpon pawne alſo: For your deliuering of moneys at tenne in the hundreth and vnder, doth enable them to take intollerable Vſurie of the ſaid meaneſt ſort of people, as ſhall now bee declared, whereby they deuoure them; ſo that in all Kingdomes they are prouided for, but heere; and vntill that bee amended, your taking of tenne in the hundreth in nature before declared, is a biting Vſurie, although it doe not belong vnto you to amend the ſame, but that Princes and Magiſtrates are to prouide for it. For this is a biting, nay a verie gnawing to the bones of your Chriſtian brother with whom you ought to deale mercifully. As there are three ſorts of dealings amongſt men, that is, Gift, Bargaining, and Lending; ſo are there three ſorts of men, the ſtarke Begger, the poore Houſholder, and the rich Merchant or Gentleman. To the firſt you ought to giue freely, not onely to lend freely; to the ſecond you ought to lend, either freely or mercifully, and not to feed vpon him with exceſſiue Vſurie; but with the third, you may deale ſtraightly and aske your owne with gaine, eſpecially when hee gaineth by your money, vſing in all theſe a conſcience with diſcretion.

*Three ſorts of men, and three ſotts of dealings.*

(***)

CHAP.

## CHAP. XII.

### *Of Intollerable Vſurie, and Lombards.*

THE apprehenſion of the continuance of intollerable Vſurie in England, is able to ſtupifie a mans ſenſes; conſidering the ſame is ſo abhorred of Heathens, Turkes, and Barbarians, it being an euident token that our hearts are more than ſufficiently frozen ouer with the inſenſible yce of vncharitableneſſe; becauſe the cruell deuouring thereof may bee ſo eaſily preuented, And then Vſurie Politike will not be biting. This intollerable Vſurie is effected by the Brokers ſelling old apparell and houſhold ſtuffe, which doe take after diuers rates, but all of them exceſſiuely, they being the fitteſt inſtruments to receiue and buy ſtollen goods, whereby all theeues are incouraged, according to the Prouerbe, *If there were no receiuers, there would be few theeues.* Moſt of theſe Brokers haue their money maſters, to whom they pay twentie in the hundreth, or 15 at the leaſt; for ſome of theſe money maſters pay themſelues ten in the hundreth vnto others, ſo that one thing driueth or inforceth another. Like as in a clocke where there be many wheeles, the firſt wheele being ſtirred driueth the next, and that the third, and ſo forth till the laſt that moueth the inſtrument that ſtrikes the clocke: or like as in a preſſe going in at a ſtraight, where the formoſt is driuen by him that is next him, and the next by him that followes him, and the third by ſome violent and ſtrong thing that driues him forward; which is the firſt and principall cauſe of putting forward all the reſt afore him; if hee were kept backe and ſtaied, all they that goe afore would ſtay withall. This is therefore called *cauſa efficiens*; and ſo is Vſurie Politike, vnleſſe the biting of it bee hindered as ſhall bee declared.

The moſt fauourable extortion by Vſurie vpon pawnes of any mooueable thing, is after ſix pence for 20 ſhillings for one moneth of 28 dayes, which is aboue thirtie in the hundreth by the yeare, and two pence for the Bill money of halfe a crowne, or eight pence, or 12 pence for the Bill money of 20 ſhillings, which is more than the Intereſt, and this rate wil be taken if it be for one weeke that the pawne

be redeemed againe; for the intent is alwaies taken to be for one moneth. And vnder colour of the Bill money, there is for regiſtring of the pawnes likewiſe exaction made ſince there was a regiſter appointed, who doth not take knowledge of the twentith part of the pawnes, but what they will declare.

Others doe take eight pence for the moneth or weeke, with the like allowance for Bill money and regiſtring, which commeth to aboue fiftie in the hundreth.

The vſuall rate vpon ſmall things, is twelue pence for the weeke or moneth as aforeſaid, and this is ſixtie in the hundreth, and with Bill money aboue eightie; nay, there is taken the ſhilling pennie by the weeke of the Fiſh-wiues and other women ſelling ſmall wares vp and downe ſtreets, which is aboue 400 vpon the hundreth by the yeare, beſides the Bil money, what this commeth vnto in diuided ſmal ſums is incredible. This Bill is made to deceiue the Law, and the forme of it is; Bought of *Iohn a Stile* one paire of ſtockings, one ſhirt, one band, and a hat for fiue ſhillings, witneſſe my hand the tenth of May 1622. *Io. a Stile.* And ſince the Regiſter was made, much is pawned without making of any Bills: and not contented with this horrible extortion, they will let out for gaine many of theſe pawnes and ſo weare them out, or at laſt take the forfeiture of them, being ſure to lend about the third and fourth part of the value: By theſe meanes deuouring and conſuming the poore houſholder and mechanicall man, it being onely the remarkeable ſinne of oppreſſion by exaction noted in the holy Scripture, for which the firſt world was drowned.

The vſe of Lombards.

This cauſed Polititians or States-men to admit the vſe of Lombards in their Common-weale, to moderate this intollerable exaction of Vſurie, ſo called Lombards of certaine Italians which came out of Lombardie, whereof Lombard-ſtreet yet beareth the name ſince *Henrie* the third his time. Theſe Lombards did take alſo extreame rates of twentie and twentie fiue vpon the hundreth, as the Iewes did, and of late yeares they haue beene (by publike authoritie) admitted in Lombards of the Low-countries to take after three halfe pence a weeke for the pound of twentie ſhillings, and one pennie for the Bill, but not to be bound to pay for the moneth, which was alſo a great rate: wherein they were compared vnto retailers of ſmall wares, as Chandlers, and ſuch like, which may get 25 and 30 in the hundreth vpon wares ſold by retaile: and theſe men were the retailers of money, and had allowance accordingly, which in the Low-countries were almoſt in euerie Citie, and payed for it an yearely ſum of money to the States. But now of late all this kind of people is put out, and there are Pawne-houſes, called Houſes of Commerce erected; where the borrower paieth but after ten in the hundreth, and ſome allowance towards charges, vnder the moderation of the Iuſtinian Law, and this is declared to be done for the reaſons following.

Houſes of Commerce.

That the intollerable Vſurie committed by the Lombards might be preuented.

That

That the pawnes ſhould not be worne or vſed, but ſafely kept, to be by them reſtored at all times, hauing men and women to looke vnto them.

That the vſe of twentie ſhillings for one weeke is but one farthing $\frac{1}{5}$ parts towards the payment of ware-houſe and houſe roome, keeping of the pawnes, and entertainement of ſeruants wages, and others to manage the ſame.

That almoſt the value of the pawne may be had thereupon, if the borrower will deſire it, one yeares time and ſixe weekes conſidered, with the charges; during all which time he may redeeme the ſame, and pay but after the rate. But after the expiration of that time, then the pawnes to be ſold in a publicke outcrie by a ſworne Officer to be oppointed by the Magiſtrate: and what ſoeuer is made more thereof than the principall money borrowed and the charges, to be reſtored vnto the partie, or him that bringeth the ticket, or to their heires, or within two yeares to the Magiſtrates, if no man claime the ſame, to be diſtributed to the poore.

That ſtolne goods may by theſe meanes be detected, and theeuerie decreaſe, and mens liues preſerued for the good of the Prince and State.

I hope no man will denie, but this is a commendable courſe taken for the comfort of the common people, that by intollerable Vſurie they be not deſtroyed, but as neceſſarie members of the common wealth, they may liue in their vocation and profeſſion. Surely the famous citie of London is worthie of perpetuall commendation for the education of Orphanes.

But if an Orphane come to be an houſholder, and liueth honeſtly by his handie worke and labour, and hath therby gotten a little eſtate of thirtie or fortie pound in ſome yeares, and then being viſited with ſickneſſe (whereunto all men are ſubiect) he is conſtrained to pawne his goods or ſubſtance vnto theſe vncharitable people; what a miſerable and pittifull thing it is to ſee his poore Familie vndone by theſe meanes (as it were) in a moment, looſing that which with great care, labour, and ſweat of his browes he hath been gathering for many yeares together? God is my witneſſe, that the conſideration hereof hath moued my ſoule with compaſſion and true commiſeration which implyeth a helping hand. For it is now aboue twentie yeares that I haue moued continually thoſe that are in authoritie, and others that haue beene, to be pleaſed to take ſome courſe to preuent this enormitie.

Some that God hath called, either void of charitie, or ſeeking *Priuatum commodum*, haue beene remiſſe to further the ſame, and for as much as I am (in a manner) hopeleſſe of any ſucceſſe, and that it behooueth me being ſtricken in yeres to number my daies, I thought conuenient to publiſh the laſt Proiect and offer, which hath beene made to the ſame effect two manner of waies, wherein I haue ſpent time, labour, and no ſmall charges in hope that hereafter it may do

Pawne houſes. good to the publicke, if ſome Diuine be moued to further it. The firſt is according to the manner of Amſterdam, to which end the ſubſtance of the petition of honeſt and religious men his maieſties ſubiects, is as followeth.

Firſt, that authoritie be giuen to *A. B.* to erect Pawne-houſes in all conuenient places of the realmes of England, Ireland, and the dominions of Wales, for and during the terme of one and twentie yeres, vpon theſe conditions.

That all perſon and perſons ſhall and may haue at all conuenient times moneys vpon pawnes, of or vpon all moueable goods, chattels, and leaſes, or any thing which ſhall be agreed vpon, after the rate of ten vpon the hundreth by the yeare.

That the vndertakers may be authoriſed or licenced to take for the attendance, labour and paines, recompence of Officers, and Seruants wages, houſe-rent, and all other charges incident thereunto, as followeth.

For regiſtring and keeping of all pawnes that do amount to fiftie pounds or more, one farthing for euerie pound by the moneth.

For all pawnes that do amount to ten pounds or more vntill fiftie pounds, for euerie pound one halfe pennie by the moneth.

For all pawnes that do not amount to ten pound, for euerie pound one pennie by the moneth.

For euerie bill giuen for pawnes vnder ten pounds, one pennie, and being of ten pounds or aboue, whatſoeuer it commeth vnto, but two pence, with ſuch clauſes, conditions, and cautions as ſhall be requiſite for the ſecuritie of the ſaid vndertakers, and agreeable with the laws of the realm of England, paying vnto the Kings maieſtie a reaſonable ſumme of money yearely &c.

The ſaid allowances are inferiour to the moderation of the Emperor *Iuſtinian* his Lawes, and will be found verie reaſonable, conſidering, that by the tolleration of Vſurie politicke, men can deliuer their moneys in verie great ſummes at ten in the hundreth freely, and without ſuch trouble.

CHAP.

## Chap. XIII.

### *Of* Mons pietatis, *or Banke of Charitie.*

THe ſecond meane to ſuppreſſe the biting vſurie of extortion vpon the common people, is by prouiding a courſe, that they may haue moneys vpon pawne without paying any intereſt or vſurie for the loane of it, according to the manner of Bridges in Flanders; which is more pleaſing, but it is not ſo vniuerſall as the Pawne houſes are, where great ſummes are to be had to accommodate Merchants and all men, to preuent the generall abuſe: albeit it cannot be denyed, but that the extortion vpon the meaner ſort of people is more haynous and deteſtable; which was the cauſe that by the Lawes of the Romans, he that tooke vſurie of the poore was more puniſhed than he that did ſteale from the rich, as is before declared.

In Italie there are *Montes pietatis*, that is to ſay, Mounts or Bankes of Charitie, places where great ſummes of money are by legacies giuen for reliefe of the poore, to borrow vpon pawnes, and to pay onely after three or foure in the hundreth at the moſt to maintaine the officers, and to beare the charges of ſuch an erected Mount for euer. But the manner of Bridges, as aforeſaid, may be thought more reaſonable, paying the officers out of the contributions, which by their means may be much increaſed, according to the orders which are hereafter declared; for euerie man is willing to giue for the ſuppreſſion of intollerable and abhominable vſurie. The rich (that are charitably diſpoſed) will giue, becauſe vſurie politicke ſhould not be biting: The meaner ſort of people will be contributarie, becauſe of the commodiouſnes of it; for who will not giue ſix pence or twelue pence euerie quarter of the yeare, when he may borrow a reaſonable ſumme of money without paying any vſe for it, for one yere, or a longer time, according to occaſions? I am ſure of moſt mens inclinations, by an attempt made of the practiſe hereof ſome yeares ſince: for (after the names taken of aboue 1500 perſons that were willing to contribute yearely, and ſome Diuines and others that would lend freely 50 ℔, 100 ℔, or more for ſome yeares, and ſome 500 ℔) I made an alphabetical regiſter of them, which was deliuered into the hands of a great perſonage, who (as it ſeemeth) was not worthie of the honour

Moneys to be giuen to ſuppreſſe vſurie.

thereof; but to my remembrance it amounted to some 2000 ℔ for moneys giuen and to be lent, and aboue six hundreth pounds yearely during the liues of the benefactors; so that no man hath cause to doubt of the collection of a great stocke for so godly a worke, if authoritie were had when this was done, vpon the onely hope and surmise thereof: to the effecting whereof, I will be willing still to doe my best endeauour. Now the orders are as followeth.

*Orders to be obserued for the gouernment of the Mount of Charitie, consisting of two houses within the citie of London and the suburbes thereof, and one house at Westminster; where all men may borrow moneys in small summes, without paying any vse or loane for the same, vpon pawne to be deliuered for caution or securitie of the said moneys, according to the manner of Bridges in Flanders, and other countries.*

1 *Imprimis*, That all men of what qualitie or condition soeuer they be (being destitute of money) shall haue money at all conuenient times without paying any vse or loane for the same, but deliuering onely a pawne of any moueable thing, so it be not aboue fortie shillings at any one time, vntill a competent stock be raised for the maintenance of the said Mount of Charitie for euer.

2 *Item*, Whereas the said stocke is raised, and to be increased by meanes of charitable and conscionable persons (which either do freely lend moneys without taking interest for the same, or do freely giue in money and yearely contributions, according to their vertuous disposition; which moneys may (in progresse of time) amount to a notable summe) the Treasurer generall therefore shall be a man sufficient, and of honest behauiour, carefull to appoint sworne honest men (vpon sureties) to collect the said moneys, and for keeping of the pawnes, with their Clarkes and other attendants: and the Surueior of accounts shall be a man diligent and skilfull in accounts, all for the better incouragement of the said charitable giuers and free lenders, for the aduancement of this charitable worke.

3 *Item*, Whereas the like House called Saint *George*, was heretofore erected at Genoua in Italie by noble Knights bound in honour to see the people relieued from oppression, biting vsurie and extortion, which by all vertuous Knights is at all times approued and commended; There shall be kept one paire of tables in euerie house, containing the names of such honourable persons, and vertuous Knights as shall be yearely contributaries (by quarterly paiments) during their naturall liues, or lend any summe of money (*gratis*) for a time, together with the names of such well disposed persons as by their Wills and Testaments doe bequeath any summe of money for the maintenance of this pious worke, in perpetuall remembrance of the said benefactors.

4 *Item*, That the said officers shall vse their best indeauours, by all good meanes to moue all well disposed and charitable persons, to be

giuers,

giuers, lenders, and contributaries for the increaſe of the ſaid ſtocke, eſpecially when men are viſited with ſickeneſſe ; to the end that by their laſt Wills and Teſtaments, they may be mooued to further this godly action for the continuance thereof for euer.

5 *Item*, That the Lord Maior of London (for the time being) may haue yearely inſpection of the collections and accounts of the officers of the ſaid Mount of Charitie, at a day by him to bee appointed, to ſee the due execution and adminiſtration of the ſtocke aforeſaid.

6 *Item*, That the Clarkes and other officers in place, ſhall attend the ſaid houſes from ſixe a clocke in the morning, vntill eleuen, and from two of the clocke in the afternoone, vntill ſeuen, beginning (yearely) from the fiue and twentith day of March, vntill the laſt of September ; and afterwards to begin but at ſeuen of the clocke in the forenoone, vpon paine to be diſplaced.

7 *Item*, That no man ſhall offer to pawne any moueable thing, hauing life, or being ſubiect to manifeſt corruption, or periſhable wares of great bulke ; but onely things of Wooll, Linnen, Silke, or Flaxe, Hempe, or Towe, and ſuch like, or Pewter, Yron, Braſſe, or any other matter mettaline or minerall ; or of Gold, Siluer, Copper, or Precious ſtones.

8 *Item*, That all pawnes which ſhall be pawned, ſhall bee taken as ſold in open market or ſhop vpon the conditions following, with the conſent of the owner or lawfull bringer thereof ; and ſo ſhall not bee ſubiect to bee recouered of the ſaid officers by any fraudulent dealings.

9 *Item*, That euerie perſon (if he will) ſhall receiue the three parts of the value of his pawne ; that is to ſay, If the pawne bee worth twentie ſhillings, he ſhall haue fifteene ſhillings, and ſo after the rate. Prouided it doe not exceed the ſumme of fortie ſhillings at any time, as aboueſaid.

10 *Item*, That the ſaid pawnes ſhall bee ſafely kept, for the time that the ſame ſhall be pawned, without wilfull detriment or hurt, be it for one moneth, two, three, or more moneths, not exceeding the time of one yeare without new licence had for the ſame.

11 *Item*, That the perſons which doe pawne any goods as aforeſaid, either being owner, or put in truſt to pawne the ſame, ſhall declare their names to be entred in the Iournals, and other Regiſters, and bring an auoucher (if there be cauſe of ſuſpition, that the parties are felons, or acceſſaries of felonie) in which regard the ſaid goods ſhal be ſtaied for 24 houres, to ſee whether any perſon do claime the ſame.

12 *Item*, That euerie perſon which doth pawne any thing, ſhall take a Ticket containing the date of the time and yeare, and the ſum of money lent, with the priuate marke of euerie houſe, thereby to redeeme his pawne at all times at his pleaſure.

13 *Item*, That for the defraying of the rent of conuenient houſes, recompence of officers and mens wages, and other charges incident

for

for the due execution of the premiſſes, euerie perſon borrowing a crowne or fiue ſhillings ſhall giue for his Bill or Ticket one farthing, and for tenne ſhillings one halfe pennie, and for twentie ſhillings one pennie monethly, and for a greater or ſmaller ſumme accordingly, vntill ſuch time that the ſtocke be increaſed to ſuch a competent ſum as may counteruaile the ſaid charges, and ſupply the neceſſarie occaſions or wants of the borrowers to be declared hereafter.

14 *Item*, That all pawnes which doe lye aboue one yeare, being not licenſed to remaine for longer time, ſhal be ſold by a publike officer in open outcrie euerie quarter of a yeare, the ſaid officers to be appointed and ſworne by the Lord Maior of London, for the time being or by two Iuſtices of the Peace at Weſtminſter, and the ſurpluſage of the moneys, which ſhall be made more of the ſaid pawnes than the money lent thereupon, (after charges deducted) ſhall be reſtored to the owners or knowne bringers of the ſaid pawnes, or to their heires, adminiſtrators or aſſignes within one month after ſale made of them, (vpon demand to be made) and by default of the ſaid heires, adminiſtrators or aſſignes, to be deliuered within one yeare after, to the ſaid Lord Maior, and Iuſtices of the Peace, and to be diſtributed (by their wiſedomes) to the poore.

15 *Item*, It ſhall be lawfull vnto the ſaid officers, to reſtore to the right owner any pawne which hath beene feloniouſly taken, vpon ſufficient proofe made, if notice was giuen before the regiſtring thereof; and if notice was giuen after the ſaid regiſtring or pawning, then to reſtore the ſame vpon paiment of the money borrowed thereupon and charges.

16 *Item*, It ſhall be lawfull for the Treaſurer, Generall, and Surueyer, with the conſent of the Lord Maior of London, or two Iuſtices of the Peace at Weſtminſter vnder their hand writing (when the ſaid ſtocke is increaſed to a greater ſumme than ſhall be needfull for the maintenance of the ſaid Mount of Charitie) to giue ſome reliefe vnto ſuch priſoners as are committed for debt in the ſeuerall priſons of their iuriſdiction; be it either for their maintenance there, or (after they haue beene one yeare in priſon) towardes the compoſition which they ſhall make with their creditors, ſo as the ſaid gift doe not exceed the ſumme of tenne pounds, towardes euerie hundreth pound, which the ſaid priſoners are indebted, if their good behauiour and likelyhood to doe well ſhall deſerue the ſame.

(***)

*Quod gratis accepimus, gratis damus.*

CHAP.

## Chap. XIIII.

### *Of the true Calculation of Moneys deliuered at Intereſt.*

THE Act of Parlement concerning Vſurie, made in the thirteenth yeare of Queene *Elizabeth*, declaring that Vſurie is forbidden, and contrarie to all Diuine and Humane Lawes; doth by way of tolleration admit, that whoſoeuer ſhall deliuer his money at Intereſt after the rate of tenne in the hundreth for the yeare, ſhall onely be in danger to loſe that ten in the hundreth, if any man by information, plaint, or bill will ſue for the ſame. But if it be aboue that rate, the deliuerer of the money ſhall loſe the principall money, and incurre other penalties; and this Statute may be pleaded in Barre, and is to bee conſtrued againſt him directly and indirectly. Wherefore all men deliuering money at Intereſt, muſt be verie carefull how they make their contracts, becauſe many miſtakings may happen, for that all Councell learned in the Lawes are not good Arithmeticians in the calculation of this ten in the hundreth, which is the ground of thoſe contracts; inſomuch that by the ſtrict rules of the ſaid Statute, the contracts being found vſurious and to exceed the rate, are not onely void *ipſo facto*, but the principall and intereſt is alſo loſt. This Statute hath relation to the Act made by King *Henrie* the eight, and the words be in effect as followeth.

*None may haue, receiue, accept, or take, for the lending or forbearing of his or their money, for one whole yeare, or for a longer or ſhorter time, or for a more or leſſe ſumme, aboue the rate of tenne pound* pro cent. *yearely.* 37. *Hen.* 8.

An obiection to the Statute of Vſurie.

Foraſmuch as ſome men, accuſe the makers of this Statute to haue committed ſome abſurditie, it will not bee impertinent to cleere the ſame: The Statute (ſay they) giueth abilitie vnto a man, to take one way ten pound ten ſhillings or more, for the vſe of one hundreth pounds for one yeare, being deliuered out for two yeares; and another way hee cannot take tenne pound fiue ſhillings and leſſe for one yeare, but hee ſhall bee within the compaſſe of the Statute. But if they had a due conſideration, that Time is properly the iudge hereof, and that they could not make the ſaid Statute, without the limitation

of

of a time certaine, they would not find any abſurditie therein, for it was impoſſible to make it otherwiſe more certaine.

Time begetteth Vſurie.

To make this euidently appeare and of neceſſitie, Time is herein Efficient and Actiue, and the rate of 10 *pro* 100, Poſitiue and Paſſiue; let vs ſuppoſe that you doe deliuer at Intereſt one hundreth pounds for three moneths after tenne vpon the hundreth, you may lawfully receiue at the three moneths end, two pound tenne ſhillings for your Intereſt, and continue the hundreth pound againe for other three moneths by a new contract or agreement, and then receiue againe 2 ℔ 10 ß, continuing in this manner for the whole yeare by foure ſeuerall agreements, whereby you doe receiue three parts of your Intereſt at ſeuerall times; which Intereſt you may put out alſo at Vſurie, and ſo take aboue 10 *pro* 100, without incurring the danger of the Statute, becauſe your agreements haue from time to time, altered the propertie of the Intereſt money which you did receiue, and was begotten in time according to the Statute, and that which was before another mans, is thereby become yours, and thereof you may diſpoſe againe. But if you doe deliuer out 100 ℔ from the beginning for one whole yeare; then you cannot haue but tenne pounds Intereſt for the ſame at the yeares end with your principall, for the propertie of the tenne pounds is not till then altered by your agreement. Thus is it with moneys deliuered for a ſhorter Time.

Agreement altereth the propertie of Vſe money by Time.

In like manner is it for moneys deliuered out for a longer Time; as for example, one deliuered out 100 ℔ for foure yeares, for the which at the foure yeares end hee can receiue but 140 ℔; but if hee had deliuered out 100 ℔ for one yeare, he may at the yeares end receiue 10 ℔ for Intereſt, and continue the 100 pounds againe for the ſecond yeare by a new agreement, and then receiue another tenne pound, and ſo for the third and fourth yeare. Now whereas by reaſon of his ſeuerall agreements according to the time, he hath altered the propertie of Intereſt money, and receiued 10 ℔ the firſt yeare, he may put out againe this 10 ℔ as his owne for another yeare, and ſo haue Intereſt thereof twentie ſhillings, whereby hee receiueth 11 ℔ the ſecond yeare, which being put out the third and fourth yeare, will yeeld him accordingly in like manner for the 10 ℔ receiued the ſecond and third yeare, which will yeeld him after the ſame manner accordingly: ſo that hee ſhall haue aboue 146 ℔ being thus deliuered out, the bodie of his ſumme ſtill remaining whole, and being only diſtinguiſhed by Time which maketh the difference. Againe let vs ſuppoſe that the 100 ℔ were deliuered out from the beginning of foure yeares, to be repaied by 25 ℔ a yeare and the Intereſt, it followeth proportionably, that the firſt yeare hee is to receiue 27 ℔ 10 ß, the ſecond yeare 30 ℔, the third yeare 32 ℔, 10 ß, and the fourth yeare 35 ℔, which maketh all but 125 ℔; adde to this the Intereſt of 25 ℔ receiued in deduction of his principall three yeares before the Time, which is 7 ℔ 10 ß, and of 25 ℔ more in

like

like manner for two yeares, which is 5 ℔, and of 25 ℔ more for the third yeare, which is receiued one yeare before the time, which is 2 ℔, 10 ß, all is 15 ℔, which together with the 125 ℔ maketh the ſaid ſumme of 140 ℔. But when moneys are repaied in this manner, as it were by way of anticipation, then the bodie of your ſumme of 100 ℔ is diuided, and ſtill time and intereſt muſt concur, for the intereſt is begotten by time. For you may not deliuer out 300 ℔ for three yeares to be repayed 100 ℔ yearely, and receiue the firſt yeare 130 ℔, the ſecond yeare 120 ℔, and the third yeare 110 ℔: but you muſt receiue the firſt yeare 110 ℔, the ſecond yere 120 ℔, and the third yeare 130 ℔, becauſe you haue not forborne your money for any longer time proportionably, according to your contract and agreement. And the propertie of the intereſt money is not altered effectually, according to the law, for 10 *pro cent.* for a yeare is the Cubike Root which doth increaſe and decreaſe both waies accordingly. Yet ſome will ſay, ſuppoſe that I haue 3000 ℔ in money to deliuer at intereſt, are not my 3000 ℔ worth 300 ℔ at the yeres end, & may not I lawfully receiue that 300 ℔, and any part of my principall, and continue the reſt for another yeare, and ſo do the like for more yeares? Who doubteth thereof? So that you do make new contracts or agreements from yeare to yeare, whereby the propertie of the intereſt money becommeth effectually altered, according to the law (as aforeſaid) your money from the beginning being deliuered out but for one yeare: but if you doe deliuer your 3000 ℔ from the beginning by one ſole contract and agreement for ſix yeares, to be repaied yearely by 500 ℔, and receiue 550 ℔ the firſt, that is to ſay, 300 ℔ for your intereſt, and 250 ℔ for part of your principall, as it may be conſtrued againſt you, then do you incur the danger of the ſtatute. For in this (which is for a more ſumme and a longer time) there is the like reaſon as there is with a leſſe ſumme and a ſhorter time, as by the former example is declared.

The propertie of the Cubike roote.

And as there is more gaine when money is deliuered out for three moneths, or leſſe time, and ſo continued from time to time within the yeare than when money is deliuered out for one yeare; ſo is there more gaine when money is deliuered out for one yeare, and continued by new agrements from yeare to yeare, than when it is originally deliuered out for ſix or more yeres, agreeing with the rule of Geometricall deliniation, and Arithmeticall proportion.

And the rule Quadrant, or the golden rule of Arithmeticke proueth vnto any man of vnderſtanding, that in calculation theſe foure things muſt concur: Firſt, you may find out by your intereſt money and the time (after ten in the hundreth for the yere) what the ſumme was which was deliuered at intereſt: Secondly, at what rate according to the time ſuch a ſumme was deliuered: Thirdly, the time for which it was deliuered at ſuch a rate: And laſtly, what the intereſt money was for the ſumme deliuered, according to the time; and all theſe (*Poſito* in any one ſumme for all) will manifeſt the deliuerie of one

The rule Quadrant.

Principall.

Rate.

Time.

Intereſt.

one hundreth pound for one whole yeare of twelue ordinarie Moneths, after the rate of ten in the hundreth, if it be ſo deliuered out: for by inuerting, poſtpounding, and ſuppoſing all muſt produce theſe iuſt and poſitiue ſummes, whereby you may be aſſured whether you terme your money deliuered out, according to the art and rule of Arithmeticke, the principles whereof are infallible, or whether (being deceiued therein) you haue (vnawares) made an vſurious contract, as many do ignorantly.

Auditors or Calculators.

The Ciuilians, eſpecially *Benvenuto Straccha* termed thoſe which we call Auditors or Accountants *Calculatores*, which in deed are to bee very iudicious in matter of account, as skilful in the accounting, able by poſitions to find out hidden ſummes: for it falleth out many times in Princes accounts, that ſummes are named which haue relation to other ſummes, and muſt by ſuppoſitions be found out, and can be done as they ſay *Calculando*. For example, A ſumme of money is deliuered out for three yeares, euerie yeare to be paied, whereof the firſt ſumme (*Poſito*) is 500 ℔, and the fourth or laſt ſumme is 665 ℔, 10 ß. Betweene theſe two you are to find two ſummes proportionable: multiplie 500 ℔ within it ſelfe is 500000; with this multiplie the 665 ℔ 10 ß of the product, take your Cubike Root is 550 for the ſecond ſumme; now to find your third ſumme, multiplie 665 10 with 550 is 73200. Your Quadrant Root is *Medium* betweene 2 and 4 being 605, and ſo you haue your ſumme, and the intereſt you find to be 10 *pro cent.* The like for 5, 6, or more ſummes which by Geometrie is yet more eaſie.

Reduction of Maluadies into ducats, ſhillings and pence.

So we find that for matter of diuiſion, to reduce millions of Maluadies in Spaine into Ducats without much diuiſion by 375 Maluadies for the Ducat, and then the ſhillings and pence of ducats made in bills of Exchanges. Take $\frac{1}{3}$ part of the ſumme, and the ouerplus if any be, put it downe for ſhillings and pence, then (in like manner) take $\frac{1}{3}$ of that ſumme, and againe $\frac{1}{3}$ of that ſumme, and laſtly $\frac{1}{3}$ of that ſumme, being $\frac{1}{3}$ deriued from $\frac{1}{3}$; and you haue your ducats, ſhillings, and pence of ducats in *Vntratto*, as the Italian ſaith; in like manner diuide by all the numbers contained in the table of multiplication, for 42 take $\frac{1}{6}$ and $\frac{1}{7}$, for 63 take $\frac{1}{7}$ and $\frac{1}{9}$ part, and ſo of all the other ſummes, for ſix times ſeuen is fortie and two.

CHAP.

## Chap. XVI.

### Of Vsurious Contracts.

NEed not to make double inculcation againſt Vſury, for the Ciuillians haue beene ſo preciſe in the deſcription of Vſurious Contracts, which Doctor *Wilſon* hath noted, that it is hard for any Merchant to eſcape the conſure of being an Vſurer, albeit not in danger of the ſtatute; which is verie neceſſarie for all Merchants to take notice of. But he concludeth, That where there is no lending, there can be no Vſurie: wherein he maketh a diſtinction betweene *Mutuum*, *Locatio*, and *Commodatum*, declaring *Mutuum* to be where my goods are made thine; *Locatio*, where a thing is put forth or letten to hire, the propertie ſtill remaining in the owner, who beareth the aduenture thereof, and *Commodatum*, to be a letting or lending without alteration of the propertie alſo, but free without any gaine at all, where for hiring a gaine is taken: and ſo he maketh a deſcription of Vſurors, if they deale in manner following.

Doctor *Wilſon de Vſuris.*

No Vſurie without lending.

If any commoditie be ſold vnto any man, who buyeth the ſame by meanes of a broker, or otherwiſe, to make a ſhift, and to ſel the ſame inſtantly to make money of, to ſupplie his occaſions, loſing thereby, (as he muſt of neceſſitie) the ſeller of this commoditie is an Vſurer. In this caſe, if it be proued that the ſaid ſeller doth buy, or cauſeth the ſaid commodities to be bought againe directly or indirectly, the ſtatute againſt Vſurie will take hold of him, and that verie iuſtly.

I do borrow of a man one hundreth pounds for three moneths, promiſing to giue his wife a ſatin gowne, or an ambling gelding, hereupon he forbeareth his money for many moneths more without intereſt, it is Vſurie.

I do bind my land (worth twentie pounds by the yeare) to a man for one hundreth pounds in money for a yeare, and do not paſſe it by bargaine and ſale, if the creditor do take the reuenues and his principall, it is Vſurie.

Beit that a man lendeth an hundreth pounds freely, and hopeth aſſuredly to haue ſome thankefull recompence at the yeares end, this is *Mentalis Vſura.*

What if one lend money in hope to get an office, this is alſo Vſurie.

If one lend a man money for a certaine time, becauſe the ſame man ſhould ſpeake a good word for him, or do him a certaine pleaſure, it is a ruled caſe that for ſo much as a couenant is paſt, it is vſurie.

I do lend you one hundreth pounds that you ſhall do as much for me when I ſhall demand it of you, this is vſurie, becauſe a contract is ſimplie made without any addition of time appointed, whereas if he had asked ſo much at the yeares end, then it had beene no vſurie but permutation, when one good turne is done for another, and the time knowne certaine.

A lord doth lend his tenants money, with this condition, That they ſhall plough his land, if he do not pay them for their labour but with the vſe, it is vſurie.

I would borrow, and one ſelleth me wares for more than they be worth by the halfe, the ſeller is an vſurer.

I doe ſell commodities vnto a man for ſix moneths at a reaſonable price, and afterwards he payeth me in readie money, deducting the intereſt for the time after the rate of ten in the hundreth, this is Vſurie.

The father-in-law do lend his ſonne a ſum of Money, and taketh in pawne the poſſeſſions of the dower, and conuerteth the fruits thereof to himſelfe for the lone of Money, this father-in-law is an vſurer.

He that buyeth before hand Corne, Wine, or Oyle ſo good cheape as he is ſure not to be a loſer but a gainer at the time of the Harueſt, the ſame man is an vſurer.

I do lend one hundreth pounds to my friend for ten yeres freely, not to pay any pennie gaine all that time, if either of vs do die: but if we both liue together till that time, then he to pay me after twelue pound in the hundreth for ten yeares paſt; the law ſaieth, that the perill which may happen doth not excuſe me from ſinne, but I am an vſurer, for the time is not proper.

A Merchant lendeth to a Corporation or Companie an hundreth pounds, which corporation had a grant by ſtatute, that whoſoeuer lendeth ſuch a ſumme of money, and hath a child of one yeare, ſhall haue for his child (if it do liue fifteene yeares of age) 500 ℔ of money: but if the child die before that time, the father to loſe his principall for euer. The law ſaieth, If I lend purpoſely for gaine, notwithſtanding the perill, I am an vſurer.

I knowe an honeſt artificer oweth to a draper fortie pounds to be payed at ſix moneths, I come to the draper and ſhew him, if he will take thirtie pound in hand, I will pay ſo much for the artificer, if he will turne the debt ouer vnto me; herein I am an vſurer in ſeeking to anticipate the payment.

One buyeth a pay of three or foure hundreth pounds, deliuering fifteen ſhillings for euery twentie ſhillings, here is a cloaked lending vnder the colour of buying, and therefore vſurie called *Palliata*, for he did hope for gaine.

*Vſura Palliata.*
*Vſura Explicata*

I do

I doe buy a mans Bill of one hundreth pounds due three moneths hence, and giue vnto him in preſent money 95 ℔; here, although a bargaine and ſale ſeeme in ſhew, yet it is a lending, and therefore Vſurie.

I doe bargaine with ſome to haue ſo many Oxen and Kine within foure moneths, to haue them better cheape paying the money before hand; this is Vſurie if the parties had not Oxen or Kine at the Time.

I doe buy certaine Geldings, to haue them deliuered at a certaine Faire, for leſſe than they were worth; I am therein a Vſurer, if I bee ſure that they will be more worth at the time of the deliuerie.

I doe deliuer old Wheat to receiue new; if I doe deliuer the ſame for gaine, and aſſure my ſelfe of benefit, I am an Vſurer.

I doe feare the fall of money, and therefore doe deliuer my money to another man, to haue as much at ſixe moneths after, according as the money was then currant when I paied it; this is Vſurie.

I ſeeke an office, which I cannot haue except I doe pay a certaine ſumme of money; to auoid this paiment, I doe lend for two, three, or foure yeares, a groſſe ſumme, becauſe I will not pay the ſaid money, in ſo doing is Vſurie.

I doe pawne an houſe with an orchard for certaine money, the creditor hath the benefit of my ground and houſe, hee is an Vſurer.

A Gentleman hath a Mannor ſtocked with thirtie milch kine, and 700 ſheepe, valued at 300 markes or thereabouts, as they are then to be bought and ſold; this Mannor he would let out with the ſtocke for tenne yeares, to receiue the old rent of his Mannor, and thirtie pounds yearely beſides for his ſtocke, and at the tenne yeares end, either to haue at his owne choice his cattell of like goodneſſe and value as hee did let them out, or elſe 200 ℔ in money. Here there is firſt a lending, becauſe the Farmour hath propertie in the cattell, and may alter them as hee liſt for his beſt auaile, paying his yearely rent for them, and reſtoring ſo good cattell at the tenne yeares end as he before receiued. Againe, he muſt anſwere the cattell at the ten yeares end, and pay rent yearely for tenne yeares, although the cattell die all the verie firſt yeare. So that this Gentleman (ſeeking his certaine gaine and principall to be ſafely returned vnto him) is an Vſurer colourably.

Laſtly, to deliuer money by exchange vpon Bills of Exchanges, intending any gaine thereby any manner of wayes, is Vſurie, and all the premiſſes are vſurious acts, although many not in danger of the Statute.

Now diuers Merchants and others will ſay, That then there is no dealings betweene man and man, and all Trafficke and Commerce is ouerthrowne: For (ſay they) here is nothing excepted, wherein any

man can deale, and all other Nations doe continually maintaine their Negotiation and Trafficke, by deliuering moneys at Intereſt and by Exchange, and will not bee ruled by our particular direction in the courſe of Trafficke: hereupon let vs alſo note what lawfull contracts are, before we conclude.

## CHAP. XVI.

### *Of lawfull Bargaines and Contracts.*

WEE haue alreadie noted where a man may take a benefit for his money two manner of wayes, which is *ex damno habito*, where he hath ſuſtained a loſſe, or *ex lucro ceſſante*, where his benefit or profit hath been taken away or preuented for the want of his money, which hee might haue beſtowed in ſome wares to furniſh his ſhop at conuenient time, and in both theſe the partie is not Actiue but Paſſiue.

I doe buy land of my friend for a certaine ſumme of money, and of like value to the land, with this condition, if he bring me the money againe at any time, he ſhall haue his land againe; I being lawfull owner of this land by bargaine and ſale, may ſafely inioy the fruits and rents of the ſame lands without any ſuſpition of Vſurie.

Another commeth to me and would borrow a thouſand pound in Gold, and as much Plate for a ſhew to declare and ſet forth his wealth the more to the world when it is ſeene in his ſhop; in this caſe I may take Vſurie.

An Apothecarie lendeth to the Phyſician an hundreth pound by the yeare freely, becauſe he ſhall ſend his Bills of Receits to him and to none other, this is no Vſurie.

I doe buy Timber, Bricke, or Stone of a man to deliuer the ſame at ſuch a place, at ſuch a time, and to pay him for the ſame, I doe borrow ſo much vpon Vſurie, if the ſaid man doe not performe with me, in deliuering the ſaid Timber, Bricke or Stone, yet is hee bound to pay me that Vſurie truely.

A Corporation taketh a hundreth pound of a man, to pay him eight in the hundreth during his life, this is no Vſurie, and ſo for all annuities during life, for the principall is neuer to bee reſtored againe.

A mightier man than my ſelfe, withholdeth through force a portion

tion of land from me, I am loth to trie the law with him, becauſe hee hath the law in his hand; and I offer to lend him fiue hundred pounds for a yeare or two freely, ſo that I may haue mine owne without further trouble or vexation: this is no Vſurie becauſe I receiue but mine owne quietly.

I doe borrow an hundreth pounds for a yeare, promiſing at the yeares end to lend another hundreth pound for it, for the ſame time; this is Permutation.

I take the perill vpon mee of the carriage of a great maſſe of money, I may lawfully take portage money for my paines, and this is no Vſurie.

I am ſuretie for one, and pay the debt, paying Vſurie for the ſame money; the principall debtor for whom I was bound, is bound to pay vnto me the Vſurie, and the payment vnto me is no Vſurie, for I receiue but mine owne. *Ext. ſide iuſſor C. 1. & 2.*

A man by Teſtament granteth a Legacie, and willeth his ſonne to pay the Legacie, and ſo much (*Nomine pœnæ*) for non paying it: the Law ſaith, The Teſtator may charge his Executors or heire vnder a penaltie to pay his Legacie, and the ſame is no Vſurie: But if the Teſtator ſhould ſay thus; I will that my ſonne or Executor ſhall pay for euerie moneth that they are behind hand ſo much, and ſo from moneth to moneth till it be payed; This is Vſurie ſay the Lawyers, becauſe the time is mentioned and peined: wherein *Baldus* is abſolute.

The concluſion of all the premiſſes is moſt in things Paſſiue; and buying and ſelling is left onely betweene men with certaine cautions.

Sayling thus dangerouſly betweene the two rockes of *Sylla* and *Charibdis*, with the great tempeſt about Vſurie, looking that the bright and fortunate Starres of *Caſtor* and *Pollux* ſhould appeare to bring a calme in deteſtation of all Vſurie: Loe an vniuerſall and perpetuall Princely contract of Commerce is brought forth, grounded vpon Trafficke and Vſurie; yet with a religious care to preuent the biting Vſurie vpon the poore and honeſt houſholder, and to bee a meanes to maintaine peace through all the whole world in matter of Trafficke and Commerce: notwithſtanding the ſeuerall and particular quarrells and differences betweene Princes, which is verie conſiderable and admirable.

(***)

## Chap. XVII.

### *Of the Vniuerſall and Perpetuall Princely Contract of Commerce.*

THE particulars of this Princely contract of Commerce (being compiled by certaine Politicians of diuers Nations) was exhibited vnto the Kings moſt excellent Maieſtie, in the yeare 1608, by a priuate Gentleman in the Dutch tongue, and commanded to bee deliuered vnto mee to tranſlate the ſame into Engliſh; but I found the originalls to be in Latine and Italian, and partly in French, as it had been propounded in diuers countreys vnto other Princes which had ſubſcribed thereunto, intending to haue kept a copie of it; but on the ſudden being depriued thereof, I did inſtantly ſet downe the ſubſtance following of it, to the admiration of the Gentleman, and contentment of ſome of (then) my honourable friends. And becauſe it is not like that it ſhould come to any vniuerſall concluſion, I haue thought conuenient to make the ſame publike, manifeſting thereby that Vſurie Politike is like to continue in all countreys: to the end we may therefore preuent biting Vſurie vpon the poore, by the charitable meanes of Pawne-houſes, or Mounts of Charitie as aforeſaid.

*Subſtance of the ſole, vniuerſall and perpetuall Contract of Commerce, or vnited ſocietie of Knight-hood to be made betweene all Princes, and one priuate perſon; for the ſurer maintaining of Peace amongſt Chriſtians, and increaſe of Trafficke and Trade thorough all the world, grounded vpon* jus gentium, *by the Articles following.*

THE contract or couenant to bee made with ſeuen qualities of perſons, Emperours, Kings, Princes, Arch-Dukes, Earles, Knights and Gentlemen, amongſt which ſome Merchants are compriſed, in all not exceeding the number of one hundreth perſons, with the poore to bee reckoned for one, as being ſo many Stakes; wherein Seignories, Common-weales, Societies and Orders ſhall be accounted for one alſo.

Euerie

Euerie ſtake to be from fiue and twentie thouſand crownes of fiue ſhillings ſterling, vntill one hundreth thouſand crownes a ſtake; wherein Emperors and Kings may not exceed three hundreth thouſand crownes; Dukes, Earles, and Common-weales two hundreth thouſand crownes a perſon.

No man to be aduaunced to this ſocietie but for his deſerts, or wealth, or for both, wherein but one of the kinred to ſucceed the father, or the neereſt of conſanguinitie by default of ſonnes.

The perſons in euerie kingdome (beſides the Prince) to be two or three of the nobleſt or greateſt in gouernment, euerie one a ſtake, and the Maſter of counting houſes for a ſtake ſeruing *gratis*, or ſome other Merchant.

Theſe houſes of Exchanges to be in all places of peace or ſecuritie, and all other places, as it were dangerous to be gouerned and ſerued by correſpondencies, which may be in number ſeuen or nine to one ſtake, and ſo augment the ſtocke by their credit and meanes accordingly, receiuing a proportionable gaine of the benefit procured by their imployment, without any other vſe or conſideration for their moneys.

The moneys deliuered to this ſocietie for the ſtocke to remaine for euer by way of donation, only the reuenue yerely from time to time to be paied to the parties, their heires, or next of the bloud, or to the lawfull aſſigne, or by default (after a time) to the poore.

The perſons aduanced by deſerts and without money brought in, ſhall for their ſtake, or ſo much as is wanting (within the time limited) allow ten in the hundreth, vntill the ſame is raiſed by the gaine; which is offered by foure or fiue yeares reuenue to be done, or by deduction of ſix and one fourth part *per annum*.

No man for any criminall offence ſhall (by way of forfeiture) loſe his ſtake, or for any miſdemeanor hinder his poſteritie to enioy the reuenue thereof, but loſe his voice (wherein euerie man is equall.) And moreouer, for ſo much as the ſocietie may be hindered thereby, defalcation (by ſuſpence of paiment) ſhall be made, vntill reparation made thereof vnto the ſaid ſocietie at their pleaſure.

No Executor, Adminiſtrator, Surueyor, Curator, or other perſons or aſſigns are to meddle with the premiſſes: but for want of iſſue or *ob inteſtato* falling vpon children vnder yeares, or women, to take the accounts and reuenues according to the rate of others, without any other account to be made.

All controuerſies ariſing betweene them of the ſocietie for matter of trafficke, to be decided by the Maſter of Counting Houſes, with their Counſell of Aſſiſtance to bee appointed vnto them, without any appellation or remoue to any other court or iuriſdiction whatſoeuer.

The preſeruation and aſſurance of the ſtocke and credit, is by the authoritie and confirmation of Princes and Common-weales; who (notwithſtanding particular differences) are generally inclined to maintaine

maintaine trafficke, as the Soule of their wealth and eſtates, ſo that the ſaid authoritie (becauſe of the protection thereof, by the law of nations) ſhall be corroborated for the defence thereof, by their aſſociation vnder their hands and ſeales, in vnitie of couenant (with one priuate perſon of the qualitie hereafter declared) in ſeuen tongues, whereof euerie prince in his owne language for ſubſcription is once to haue precedencie, and after that without any ceremoniall or politicke obſeruation to be vſed indifferently.

To which end, the ſaid Princes and Potentates are to renounce all lawes, priuiledges, exceptions, or immunities, of what high nature or dignitie ſoeuer to the contrarie, and to make approbation of this contract, by their Parlements, or higheſt Court of iuriſdiction, in the beſt manner that can be deuiſed.

Euerie perſon of this ſocietie to be free and exempted of all Impoſitions, Taxes, Cuſtomes, Subſidies, lending of moneys any maner of waies, or any charges; as alſo maſters of the counting houſes, which ſhall not be permitted to exerciſe any trafficke or trade particular, but muſt wholy employ themſelues to this buſineſſe, with ſuch allowance and order as is preſcribed vnto them.

All worldly things being ſubiect to mutabilitie, euen the greatneſſe and ſuperioritie of Princes, which may happen to be depoſed for a time, and afterwards to be reſtored againe; It is prouided, that of the gaines of the three parts allotted vnto them for three ſtakes in this couenant, the two ſhall remaine to the Crowne, and the third to the Prince, vntill he be reſtored againe or dead, which is onely to take place in all hereditarie kingdomes.

The ſaid ſocietie therefore not to purchaſe any land for the generalitie, to endanger Princes eſtates, but onely for their particular, as occaſion ſerueth.

Modells or Medalia to be worne by the ſaid hundreth perſons of the ſocietie, and the Maſters of counting houſes, onely with emendation and augmentation of their armes, and by their ſucceſſors, vpon true regiſter and acknowledgement to be made and kept thereof. The ſaid Modells to containe on the one ſide, the world concatenated together vnder a Crowne Imperiall, aſſiſted with the perſonages of *Proſperitie*, *Honour*, and *Mercie*, enuironed round about with two incloſed hands and armes of *Faith* and *Credit*; and on the other ſide the like with a Croſſe and Inſcription, *He doth crowne his owne workes in vs.* All which perſons ſhall be made noble Knights of this order accordingly, with certaine other additions, as ſhall be thought conuenient, As by Faith and Credit it ſhall ſubſiſt, or the like.

The aforeſaid ſtocke and credit to be emploied by the ſaid Maſters of counting houſes, and aſſiſtants in fiue ſeuerall matters, by Exchange, Banke, Mount of Charitie, *Menſa argentaria*, and Houſes of Vendition without any aduenture or loſſe, according to an inſtruction, ſhewing the benefit and commodiouſneſſe which will ariſe thereby vnto all eſtates, for the preſeruation and augmentation of Honour

and

and Wealth of the rich, reliefe of the poore, and welfare of the commons in generall, hauing ſome gratuities beſtowed vpon them.

The priuate perſon (with whom all the aforeſaid parties are to couenant) is to be generall Maſter of all the counting houſes, and onely to keepe a generall booke of account, without any adminiſtration of the ſtocke, or to meddle in any trade of merchandiſe, but to haue the honour of knighthood, with a large allowance of charges, expences had and to be had for to entertaine all the parties and correſpondencies which might reſort to the places of his habitation: to which purpoſe he muſt be prouided of a ſtately houſe, with all conuenient things neceſſarie, and many ſeruants, meſſengers, and poſts, with the gaines of one hundreth thouſand crownes, that he doth furniſh by many allowances and other meanes, to the ſatisfaction of all the parties, according to a particular agreement, wherein the vnited Low Prouinces are named the chiefe place or *Rendevous* of this negotiation or intended contract, whercunto diuers countries haue condeſcended.

The authors of this proiect (vnder the ſaid priuate name) do deſire for the aduancement hereof permiſſion to execute the ſame, ſafgarde, to be protected from all iniuries, and to repaire all dammages which might be done vnto them in hoſtile or peaceable manner, freedome of all taxes, and aſſurance for their perſons and goods according to an inſtruction.

To which end the Maſter generall of the ſaid counting houſes (if breach be made by any one of the parties in any article of this couenant) is to receiue the complaint, and to conſult with his counſell of aſſiſtance, and ſo to giue notice thereof vnto the next neighbour, Prince, or State of this ſocietie, to ſee the ſame redreſſed or amended. If that Prince do denie to be ayding, or be forgetfull therein, he ſhall be acceſſarie, and iudged as guiltie as the firſt offendor; whereas on the contrarie, the forfeiture of the reuenues of this firſt offendor for the time ſhall be his. And the ſociety may remoue their counting houſes, or change them into correſpondencies, if other Princes and States ſhould alſo proue to be negligent, and (without reſpect had to their priuate gaine) abandon ſo good an action, loſing their title or reuenue, violating the law of nations, wherewith (no doubt) moſt Princes ſhall find themſelues agreeued, and theſe Princes or perſons tranſgreſſors will find the worſe, and endanger their eſtates, to their great diſhonour through all the world, and diſturbance of other neighbour Princes.

For the better aduancement hereof, there is a place reſerued for reward of two vnknowne perſons, which by their induſtrie, labour, and ſcience ſhall be thought worthie thereof, one bearing the name of it.

This princely contract requireth a ſerious conſideration. The Stocke or Capitall is 2½ Millions, or 2500 thouſand pounds ſterling, or ten millions Flemiſh, which (increaſed by nine hundreth correſpondencies)

respondencies) will make the stocke to be twenty and fiue millions, or one hundreth millions Flemish. It being verie probable that through all the world there lyeth so much money dead without any vse or employment. The calculation of tenne vpon the hundreth by the yeare, doubleth yearely; so that he who by gift employeth one hundreth pounds, is to haue for it one hundreth pounds yearely for euer: and this is supposed to be gotten by fiue seuerall means, *viz.* by *Cambium*, *Banke*, *Mons Pietatis*, *Mensa Argentaria*, and *Domus Commutationis*, whereof you may find the particulars in this Booke. The proceeding of this matter of great consequence hath beene interrupted by *Monsieur Olden Barneuelt* lately executed at the Hague in Holland, the sequell hereof time will discouer, and we may say with the Poet,

*Quid non mortalia Pectora cogunt &c.*

## CHAP. XVIII.

### *Of Moneys deliuered vpon Liues, Annuities, and Pensions.*

HAuing intreated of Moneys deliuered at interest without casualtie, and so termed Vsurie by reason of the contract of benefit without aduenture: it is conuenient to handle of Moneys deliuered vpon Liues, when Merchants do giue twelue vpon the hundreth without pawne, called beyond the seas after the pennie 8: the moitie whereof with pawne is six vpon the hundreth, or double eight, according to the pennie 16, as aforesaid. The pennie 8 is 12 $\frac{1}{2}$, for eight times 12 $\frac{1}{2}$ maketh one hundreth: so the pennie 16 which is vsed for rents vpon houses or lands is 6 $\frac{1}{4}$, according to which pennie 8 vpon one life or double for one yeare (so they all liue) is equal vpon eight liues. This is much vsed in diuers cities beyond the seas, to draw moneys into their hands. As for example.

One hundreth pounds is deliuered to haue two hundreth pounds for it at the yeares end vpon eight liues, if they all liue, you haue

two

two hundreth pounds to buy a perpetuall rent, or sometimes as it hath beene, to giue twentie *per* 100 for the yeare, and so from yeare to yeare, and dying the principall is theirs.

One hundreth pounds for eight liues (by equalitie decreasing the pennie 8) is 12 ℔ 10 ß, for two liues, 11 ℔ 2 ß, for three liues 10 ℔, for foure liues 9 ℔ 1 ß 9 pence, is 6 ℔ 5 ß for eight liues.

The Citie of Amsterdam was wont to giue good consideration, and did obserue this order vpon a hundreth Guelders for eight liues gaue——16—13—4

Obseruations of money deliuered vpon liues.

Of nine liues——19—1—0
Vpon tenne liues they gaue——22—4—5
Vpon eleuen liues——26—13—4
Vpon twelue liues——33—6—8
Vpon seuen liues——14—6—4
Vpon six liues——13—6—8

Here you are to remember the obseruations of Assurors, whether the persons be young or old, sober in their diet and behauiour, much trauelling abroad or staying at home, subiect to sickenesse, and the like considerations.

Rents vpon houses.

Moneys deliuered vpon annuities for rents, seeme more reasonable than pensions vpon liues, because you beare onely the aduenture of the decay of houses or destruction of them in time of warre; and much more should bee giuen without pawne, than with pawne or morgage.

It is commodious for a man, hauing waste grounds and intending to build vpon them, to take much money vpon rent after 6 ¼ *pro cent.* which many Cities giue continually to increase their wealth and inhabitants. And because the valuation of their money doth often alter and is inhaunced, whereby all things become dearer, the parties are aduised to haue their rents paied *in specie*, in Crownes, Dollers, Ducats to bee paied as formerly they were currant; the dangers in times of warres causeth rents to decrease, for the ancient rent is alwayes first to bee paied, although all others bee losers.

Rents payed *in specie.*

(* * *)

CHAP.

## CHAP. XIX.

### *Of the Denomination and Diuiſion of Moneys of diuers Countreys.*

THE Denomination, Diuiſion, and Subdiuiſion of the moneys of all Countreys, is moſt neceſſarie for Merchants and all others to be knowne; becauſe without it, they fayle in the courſe of Trafficke without Compaſſe, abandoned at all vncertainties and dangers to haue true equalitie and equitie obſerued in their buyings and ſellings, and that more eſpecially if the courſe of exchanges be neglected, as ſhall be declared hereafter.

*Some of theſe moneys are imaginarie, and ſome are ſubſtantiall or reall* in ſpecie, *and yet not concurring in price or value.*

*England.* IN England concerning Siluer coynes, there is the Crowne of fiue ſhillings, and the halfe Crowne of two ſhillings ſixe pence: the ſhilling, the ſixe pence; the foure pence or groat, the three pence, two pence, three halfe pence, the pennie and halfe pennie of ſterling Siluer, and the farthing of Copper.

The ordinarie Golden coynes are the vnite peeces of 22 ſhillings, the halfe of eleuen ſhillings, and the crownes or quarters of fiue ſhillings ſixe pence, and the $\frac{1}{5}$ part two ſhillings nine pence, and the fiue peeces coyned at foure ſhillings, making twentie two ſhillings, with the Roſe and the Thiſtle.

The Laureat King *Iames*, of twentie two carrats fine of twentie ſhillings, and the halfe peece.

*Scotland.* In Scotland is the Croſſe Dagger peece of eleuen ſhillings, and the halfe of it, and their Rider of ten ſhillings ſix pence, and for their Siluer coyne the Marke peece valued at 13 pence $\frac{1}{2}$ in England, and the halfe of the ſame, as alſo ſix ſmall peeces of aboue two pence for the ſaid Marke.

*Ireland.* In Ireland where no Mint hath beene ſince King *Edward* the fourth of England, the fifteene ſhilling ſterling, make twentie ſhillings Iriſh, and the Siluer Harpe of nine pence ſterling is there currant for twelue pence, and the moitie thereof accordingly, and the aboueſaid Gold

coynes

coynes are currant as in England, or in ſterling reduced into their Iriſh moneys one third part more: ſo that the twentie ſhillings peece of Laureat King *Iames*, is there foure Nobles, and all other diuiſions of it accordingly. So the Engliſh ſhilling is ſixteene pence Iriſh, and the parts of it accordingly. All other old Iriſh coyne is out of vſe, and little quantitie to be found of it.

*Germanie.* In Germanie they make all their moneys by the account of Batſen, euerie Batts foure Creutzers, coyning peeces of three, ſixe, and twelue Creutzers. So the Ducat of Hungarie maketh 27 Batſes; the Gold guelder eighteene Batſes; the Poliſh guelder or doller fifteene Batſes, Teaſtons fiue Batſes. The ſaid Gold guelder was valued *Anno* 1520 to bee currant in Holland for twentie eight ſtiuers, whereby their corne is bought and ſold, which is erronious and imaginarie, becauſe there is no ſuch peece in *ſpecie*. So was the doller and the Siluer guelder, called Gros or Vnciales, weighing an ounce.

The ancient Romans called an ounce a guelder, and the eight ounces made one mark, and 12 ounces or guelders were reckoned for one pound; and there were coyned peeces called Nummi Dragmi, *alias*, Groſleyn, is the eight part of a doller; Angelicies was the $\frac{1}{6}$ of a doller, making three Batſes or twelue Creutzers, called Schriekenborgers. The ſaid Angelici were Tribute penies, which being allayd and made worſe, did obraine the name of Bats, as it were ſeeking of a benefit, which ſince haue bin more imbaſed, and therefore deſerue that name of Batſes: they are called in Thuringia, *Gulielmi*, and in Bohemia *Bohemici*, in regard of the ſaid tribute, whereof they haue alſo 12 peeces diuidedly for 12 pence, which pennie is all Germanie ouer two Hellers by way of account. The doller was firſt made vpon ſixtie and fiue Creutzers, which (in thoſe coynes ſo imbaſed) are anſwered by 72 Creutzers: And in other cities of Germanie they reckon as followeth vpon diuers coynes, ſome made, and ſome imaginarie.

*Auguſta.* At Auguſta they haue ſmall moneys, Groſſes of three Batſes, Lion peeces, whereof two make a Creutzer; the Blackepennie foure to one Creutzer, Snubourgh, Blaphart or Bohomicos of three and $3\frac{1}{2}$ Creutzers; the Ryckes doller is thirtie Albes of eight pence euerie Albe, or ſeuentie and two Creutzers for the ſaid doller.

*Frankford.* At Frankford they diuide their Florens of ſixtie Creutzers, by twentie ſhillings, and euerie ſhilling in twelue Hellers, according to the pound.

*Norenbo-rough.* At Norenbourgh in like manner, and the Creutzer is foure pence, euerie pennie two Hellers, and fiue pence called a Fynfer or fiue Pennick.

*Strasbo-rough.* At Strasborough they vſe Blapharts, Groſſes, Bohemicos of three Creutzers, euerie Blaphart ſix pence of two Hellers or foure Ortlyn.

*Bohemia.* At Bohemia, as in Germanie; and the Bohemici, are whitgroſſe of three Creutzers, the Doller is twentie foure Bohemicos, of twelue Angſter, euerie Bohemico ten pence, and one Marke is fortie Bohemicos, and Scoc, is ſixtie Bohemicos.

*Vienna.* At Vienna the Ryckes Doller is eight ſhillings, and the Ducat twelue ſhillings.

*Trioll.* At Trioll the Doller at ſeuentie two Creutzers, of fiue Fynfers or Hellers the Creutzer.

*Hungarie.* In Hungarie the ſaid Ryckes Doller is ſeuen ſhillings ſeuen pence, now inhanced to eight ſhillings.

*Colloigne.* At Colloigne and Cleues, a guelder is 24 whitpennie, of twelue Morkens, and euerie whitpennie is two ſhillings or ſtiuers, and foure marke for the guelder.

*Hamborough.* At Hamborough the Doller coyned at thirtie and one ſhillings Lups, and for many yeares currant for thirtie and three, is inhanced now to fiftie and foure ſhillings of three whitpennie, and euerie ſhilling is twelue pence, of two Hellers euerie pennie.

*Pomerania.* In Pomerania the ſaid Doller is thirtie and two ſhillings, of two Snudens, one marke Snudens is eight ſhillings Lups, and the two markes Snuds are one marke Lups.

*Danſicke.* At Danſicke the Doller thirtie and fiue Groſſe of three ſhillings, and in other places as you may find vpon the moneys denominated hereafter, in the Chapter of the Imaginarie Moneys of Exchanges, for Merchants further directions.

## Chap. XX.

### *Of Merchants Accounts kept by Debitor and Creditor.*

THE manner of keeping accounts by Debitor and Creditor, was firſt deuiſed in Italy vpon verie good conſiderations. There is great affinitie betweene Faith, Truſt, and Confidence; in Diuinitie Truſt and Confidence are two handmaides vnto Faith, euen as Faith is the hand whereby wee apprehend Gods mercies, to repoſe our truſt in him, and to bee confident thereof. But in Humane actions the word Truſt is more proper, which implieth a credit or beliefe which wee giue or repoſe vpon others, or others do attribute and giue vnto vs. Hence proceedeth the Italian ſpeech, *Star dal Credere*, grounded vpon that maxime of

the

the Ciuile Law, *Omnis homo bonus, donec contrarium probetur*; whereupon a man negotiating in this world muſt truſt and bee truſted: he that is truſted with any goods, moneys, or other mooueable things, is therefore called a Debitor or Debtor vnto the partie that doth truſt him therewith, and he calleth that partie his Creditor, becauſe hee gaue him credit for the ſame; whereby Debitor and Creditor concurreth betweene partie and partie. Suppoſe now, that a young man being of age to manage his owne, is deſirous to deale in the world in trafficke and trade by buying and ſelling of commodities, or to let out his money at vſe, or by exchange, for other countreys (vnto which three actions wee ſtill obſerue our method, as being the Eſſentiall parts of Trafficke, as often hath beene declared:) and thereupon he endeuoureth to keepe a true account of all his proceedings and negotiation, by way of this manner of account by Debitor and Creditor, that is to ſay, to haue ſtill a Creditor vnto a Debitor, and a Debitor vnto a Creditor, which muſt reciprocally anſwere each other. Now conſidering of his meanes for the effecting hereof, he findeth that he hath one hundreth Clothes, two hundreth Kerſies, or any other commodities left him by his father or friends, and moreouer ſome thouſand pounds in readie money, and fiue hundreth pounds in debts owing by ſeuerall perſons, payable at ſome time to come, beſides ſome hundreth pounds yearely in Lands or Leaſes: out of all theſe he maketh a Stocke or Capitall, which he doth enter into a Booke called a Iournall, becauſe it containeth his daily actions from time to time; and from this Booke they are tranſferred or ſet ouer into another bigger Booke, called a Liedger, becauſe the ſame remaineth (as lying) accordingly in a place for that purpoſe.

A Iournall Booke.

A Leidger Booke.

The Spaniard doth call this Booke *El Libro grande*, and the Iournall he calleth *Mannall*, being of a farre leſſer volume, commonly but one third part of the other, being manuable, and vnto this they keepe a Borrador or Memorial, wherein all things are firſt entred, and may vpon occaſion be blotted, altered, or (by error) be miſcaſt, or not well entred.

A Memoriall Booke.

But in the Iournall and Leidger Booke, there may not be any alteration of cyphers, blotting (nor places left in blanke in the Iournall) but one parcell without intermiſſion muſt follow another, otherwiſe the bookes are of no credit in law, or before any Magiſtrat; whereas otherwiſe much credit is giuen to bookes well and orderly kept, for the deciding and determination of many controuerſies which happen between Merchants and Merchants, and their Factors, which is the cauſe that I could not omit to write thereof, as a branch of the Law-Merchant, to the end that ſuch Iudges, and others that are vnacquainted with the manner of it, may be enlightned in their proceedings, which (in matters of this nature) may come before them to be determined.

*The manner how he doth enter them in the Iournall is as followeth.*

WHerein obſerue, that euerie Debitor muſt haue a Creditor, and ſo on the contrarie euerie Creditor his Debitor, and alwaies the left ſide of your Leidger Booke being open is the Debitors ſide, and the right ſide of the ſaid booke towards your right hand is the Creditors ſide, wherein you enter euerie Account by it ſelfe from the parcells of your Iournall, which parcells (in the ſaid Leidger Booke) are found in the Iournall by the date of it when it was made. But in the Iournall, the Leaues or *Folio* of the Leidger are noted ouer a line in the Margine for the Debitor, and vnder the ſaid line for the Creditor: and ſo in the Leidger booke euerie parcell hath in the latter end a direction to the *Folio* or *Carta*, as the Italians call it, whereby the Debitor ſheweth his Creditor, and the Creditor maketh relation to his Debitor; which words are not vſed, but vnderſtood by, Such a one oweth, and, Such a one is due to haue: not only of perſons, but of things themſelues. As the great Merchants which buy and ſell many commodities for themſelues, or for others, they will arme an Account, which is the Spaniſh phraſe, *Armar vna Cuenta*; but in plaine Engliſh, they will keepe or frame an Account for themſelues, and make their Ware-houſes or Magazin Debitor, becauſe the Ware-houſe is truſted with the wares or commodities: others will make the commodities Debitor, and their owne Capitall or Stocke Creditor. In like manner (becauſe their moneys are layed vp or locked in a cheſt, which they call Caſh) they will therefore imagine this Caſh to be a perſon whom they haue truſted, and make the ſaid Caſh a Debitor for the money they put into it, and when they pay out that money, or any part thereof, they will make Caſh Creditor, and that partie to whom it was payed ſhall be made the Debitor, and if he do pay the ſame by your order to another partie, he ſhall be made the Debitor, and ſo the other is diſcharged and becommeth a Creditor; and ſo from one to another, vntill you come to receiue the money againe, and then Caſh is Debitor againe: for you muſt ſtil haue a care to find a Debitor to haue his Creditor, and that euerie Creditor may haue his Debitor. It ſeemeth that *William Sommers* (being a Ieſter to King *Henrie* the eight) had ſome inſight in this manner of Account: for when the King told him, that he had deliuered a good ſumme of money vnto a gentleman a follower of his, *Sommers* anſwered, That for doing ſo, he had noted in his Booke, that the King was a foole, giuing his reaſon for it, Becauſe the gentleman would neuer returne backe againe, and that the King was coſined: but the King asked of *Sommers*, What he would do, in caſe the gentleman did returne with the money? whereupon *Sommers* anſwered, Then I wil put him in my booke for a foole, and put you out, *Sic nugæ ſeria ducunt*.

To returne to our young Merchant, by this time he hath taken an Inuen-

How parcells are found in the Leidger and Iournall.

Magazin.

Capitall or Stocke.

Caſh or Cheſt.

A merrie ieſt of *Will. Sommers.*

Inuentorie of his eſtate, and cauſed his Clothes and Kerſies to be valued, and findeth that the hundreth clothes are worth ſome 1200 ℔ one with another, and his two hundreth Kerſies of Deuonſhire 400 ℔: hereupon entring the yere, moneth, and day in the Iournall, he maketh Debitor and Creditor as aforeſaid.

Magazin or Warehouſe oweth vnto Capitall or Stocke 1600 ℔ for one hundreth white Clothes of the markes following, amounting to 1200 ℔, and for two hundreth Deuonſhire Kerſies at 40 ℔ the packe of twentie peeces, which of mine owne eſtate I find in this my warehouſe parcell of my patrimonie, amounting together in wares 1600 ℔, and this ſumme is drawne out in the margine towards your right hand in the ſaid Iournall. The manner of making Debitor and Creditor,

Caſh oweth vnto Capitall or Stocke (you need not to ſay of me *A.B.*) the ſumme of 1000 ℔, for ſo much readie money which I find this day in Caſh, proceeding of &c. and this ſumme is likewiſe drawne out &c.

*B. M.* Mercer oweth vnto Capitall 300 ℔, which he owed by bill vnto my father deceaſed, payable in two payments, namely &c. ſumme 300 ℔.

*N. W.* Merchant oweth vnto Capitall 200 ℔ for ſo much owing by him vnto my father deceaſed, which is payable the 25 of March next, by bond &c.

The Manor of Latham in Lancaſhire oweth vnto Capitall 1500 ℔, which was left my father by deſcent from &c. containing &c. of the yearely value of 66 ℔, now in the tenure, occupation, or poſſeſſion of &c. 1500 ℔. Lands.

The leaſe of the houſe called the Golden Lyon ſcituate in Cheapſide in London, oweth vnto Capitall 200 ℔, for ſo much I haue paid vnto the companie of Mercers for a leaſe of the ſaid houſe for 21 yeares, with a reſeruation of a rent of 20 ℔ yearely, to be payed euerie ſix moneths, now in the occupation of *A.B.* Gold-ſmith, paying me ſixtie pounds yearely rent for the ſame, I ſay coſt me two hundreth pounds. Leaſes.

Plate and houſhold ſtuffe oweth vnto Capitall 200 ℔, for ſo much I haue bought, and find to be in moueables of plate, apparrell, and houſhold ſtuffe ſince my fathers deceaſe, wherewith I find all my eſtate to be worth 5000 ℔, the particulars of which plate and moueables are by Inuentorie to be ſeene in my Booke of Remembrances or Memoriall; ſo for this parcell I draw out 200 ℔. Houſhold ſtuffe.

Here you ſee that this young Merchant hath an eſtate of 5000 ℔ to begin the world withall, conſiſting of the aforeſaid ſeuen parcels. Theſe ſeuen parcels now are put ouer into the Liedger, which ſome call poſted ouer, in ſo many ſeuerall Accounts of ſeuen Debitors, and there is but one to be made Creditor for all theſe, which is Capitall or Stocke, which doth anſwere by correſpondence all the ſeuen Debitors in their proper accounts, amounting all to the ſumme of 5000 ℔ on the Debitors ſide, and ſo is here 5000 ℔ on the Creditors Transferring of parcels to the Leidger.

Ballancing of accounts.

side which doth ballance the other, being so termed of a paire of ballances, wherein equall weight being laid on euerie side, the ballance will be iust and euen; and in like manner must all accounts (kept by Debitor & Creditor) be euen ballanced, whatsoeuer the remainder of the accounts are, which falleth out by calculation vpon the account. But the maine ballance of the whole booke may not differ one pennie, and fractions of halfe pence and farthings are not vsed in Iournall parcells, but accounted in the summaries at the first.

This Merchant now employeth his money and buyeth some other commodities to be sent beyond the seas: namely, one hundreth peeces of Perpetuanoes, which cost him readie money fiftie shillings the peece; more, twentie fother of Lead, at ten pound the fother; fiftie peeces of Bayes of diuers sorts, cost him two hundreth and twentie pounds; and twentie Redding mingled colour clothes, amounting in all to 870 ℔, which he paied in readie money. And all these commodities he doth enter into his Iournall in one parcell, making the said Magazin Debitor for all, and his cash Creditor, because the said cash was made Debitor for the mony of one thousand pounds, as you see before, and now being made eight hundreth and seuentie pounds Creditor, there is but one hundreth and thirtie pounds more remaining in cash, the rest is in commodities.

Entring of parcels in the Iournall.

For commodities bought and money paied for them

By this time *B.M.* the Mercer (who oweth three hundreth pounds) payeth a hundreth pounds of it, now Cash is made Debitor for that one hundreth pounds, and *B.M.* is made Creditor for the same; so he oweth now but two hundreth pounds, and there is now in Cash two hundreth and thirtie pounds.

For money receiued, and a debtor partly discharged.

The three existant parcells by themselues for the Lands, Lease, and the Plate and Houshold stuffe, remaine still in the bookes vntouched.

Substantiall wealth.

The Merchant beginneth to ship his commodities, and sendeth his hundreth white clothes for Hamborough to a Factor, or his seruant, and payeth the kings Custome, and all charges concerning the same: and now he frameth an account of those clothes, intituling the same voyage to Hamborough, or clothes sent to Hamborough, do owe vnto the Magazin one thousand and two hundreth pounds, for one hundreth white clothes sent for my account to such a man in such ships &c.

Accounts for voyages for Hamborough.

Then he doth charge this account of clothes with the Custome and charges he paied;—Clothes sent to Hamborough do owe vnto Cash sixtie pounds for Custome and charges paied for the same, as in the Memoriall Booke appeareth.

Money paied for Custome and charges.

For Seuill in Spaine he sendeth the hundreth peeces of Perpetuanoes which he bought, and fiftie peeces of Bayes, and twentie fother of Lead, which did cost him 670 ℔; and the Charges, Custome, and Impositions are fiftie pounds *in toto*.

Voyage for Spaine.

For Lixborne in Portugall he sendeth two hundreth peeces of Deuonshire Kersies, and twentie Redding clothes, which cost him six

Voyage for Portugall.

hundreth

hundreth pounds, and the Cuſtome and charges fortie pounds.

And hereupon hee armeth two accounts vnder the name of voyage into Spaine, or voyage to Lixborne, or ſome other ſuch name of the ſaid commodities, as euerie man thinketh good: ſo theſe voyages are Debitor for the commodities, cuſtomes and charges therof, and the Magazin is diſcharged, and made Creditor as aboueſaid; and likewiſe Caſh is made Creditor, hauing payed the Cuſtomes, Impoſitions and charges aforeſaid. Magazin diſcharged.

This Merchant, not willing to beare ſo great an aduenture of ſixe hundreth pounds, or ſeuen hundreth pounds in one Ship, doth cauſe himſelfe to be aſſured of three hundreth pounds in euerie Ship, at foure and fiue vpon the hundreth, and payeth the ſame vnto the aſſurors. Hereupon he maketh the ſaid voyages Debitor, and Caſh Creditor for ſo much, namely, thirteene pounds for Lixborne, and ſixteene pounds for Seuill, and ſo committeth the ſame to Gods will and pleaſure, and all theſe parcells are entred into the Bookes. And *B. M.* the Mercer doth pay more two hundreth pounds, whereof Caſh is made Debitor, and *B. M.* is made Creditor, and diſcharged of the 3 hundreth pounds he did owe, whereby the Merchant finding ſome money to ſpare, he deliuered out two hundreth pounds at intereſt vnto another Merchant for ſixe moneths, and thereupon he maketh this Merchant *C. D.* Debitor, & Caſh Creditor, declaring to haue his bond of three hundreth pounds, for the payment of two hundreth and ten pounds at ſuch a day in ſuch a place. And for the intereſt money of tenne pounds, hee maketh him likewiſe Debitor, and the account of profit and loſſe Creditor. But ſome men do make a particular account of intereſt, which is at a mans pleaſure. Money for aſſurance. Money receiued. Money deliuered at intereſt. Intereſt mony.

Now the two hundreth pounds which *N. W.* oweth, are due, and hee deſireth to keepe the money for ſixe moneths at intereſt, and to giue his bond for it, which is ſo agreed betweene them; the intereſt is ten pounds, for which hee maketh likewiſe *N. W.* debtor, and profit and loſſe Creditor. Moneys owing continued at vſe.

The Merchants eſtate ſtandeth now thus, at Hamborough one thouſand two hundreth and ſixtie pounds, at Seuill ſeuen hundreth thirtie and ſixe pounds, at Lixborne ſixe hundreth fiftie and three pounds, at intereſt foure hundreth and twentie pounds with the intereſt, and but little money in Caſh, becauſe of his daily expences. View of a Merchants eſtate by the Bookes.

Suppoſe now that the Ships of the Companie of Merchant aduenturers are come from Hamborough, and our Merchants clothes are ſold to diuers Merchants and others there, to bee payed at ſixe and ſixe moneths, for which they haue giuen their Bills obligatorie to pay the ſame accordingly. But ſome of theſe Merchants are deſirous to pay their money by way of anticipation, hauing intereſt allowed them for it, after the rate of eight in the hundreth for the yeare, and ſo pay readie money to our Merchants Factor, and thereupon the ſaid Factor maketh ouer by exchange foure hundreth Returne of voyages. Money paied by way of anticipation.

pounds

Money made ouer by exchange.

pounds ſterling by two Bills of exchanges to be paied here at vſance (which is two moneths after the date of the Bills) by Merchants ſtrangers. Theſe Merchant ſtrangers doe accept the ſaid Bills of exchanges, and you make them ſeuerally Debitors for the ſame, and your Factor of Hamborough Creditor for the ſaid foure hundreth pounds.

Veluets bought beyond the Seas.

Moreouer, your Factor hath ſet ouer ſome of thoſe Merchants Billes of debt for forraine commodities, and hath taken in paiment two Caſes of Veluets, which did coſt eight hundreth pounds, and hee ſendeth them in theſe Ships, with an accounnt of the charges, cuſtomes, and factoridge of the ſaid Veluets, amounting to fortie pound; ſo the Veluets coſt in all eight hundreth and fortie pounds: for this you make a new account for Veluets, or the returne of the Hamborough voyage Debitor and your Factor Creditor for the ſaid eight hundreth and fortie pounds, as aforeſaid. And becauſe you are to pay great Cuſtome and Impoſition of theſe veluets, and your Caſh is not well prouided; you take vp by exchange here ſixtie pounds to be payed by your Factor at Hamborough, and deliuer your Bill of exchange for it, and receiue the money; now Caſh is made Debitor for the ſame, and your Factor that is to pay the money is made Creditor for it accordingly.

Money taken vp by exchange.

Cloth ſold beyond the Seas, and account ſent of them.

This Factor doth now by land ſend vnto you the account of your hundreth clothes ſold vnto diuers Merchants as aforeſaid, and this account is made in Hamborough or Lups money, and it is ſuppoſed amongſt Merchants, that ſix and twentie ſhillings and eight pence of their money, is correſpondent to our twentie ſhillings ſterling; according to this you reduce your Hamborough money into ſterling money after the rate, and your Factor in the ſaid account hath alreadie deducted his factorige, cuſtoms, and all charges incident vpon the clothes ſold by him: ſo that caſting your account vpon the nett Prouenu of your clothes, hee hath receiued cleere money one thouſand foure hundreth and eightie pound ſterling; heereof now you doe make your Factor Debitor, and the voyage for Hamborough Creditor, and comming to your Leidger Booke, you find the ſaid voyage Debitor one thouſand two hundreth and ſixtie pounds, and now to be made Creditor one thouſand foure hundreth and eightie pounds: ſo you find here is two hundreth and twentie pounds cleare gaines by the account, vnleſſe you ſhould become a loſer in the veluets; for the money deducted for intereſt to him that paied before his time, is alreadie deducted in the account of clothes: ſo that to cleere this account of the voyage, you make the ſame Debitor for the ſaid two hundreth and twentie pounds, and the account of profit and loſſe Creditor for the ſame.

Hamborough money reduced into ſterling.

You haue now ſold your two caſes of Veluets, the one for readie money, and the other at ſixe and ſixe moneths dayes of paiment, to *W.W.* Mercer, amounting to fiue hundreth and twentie pounds, whom you haue made Debitor for the ſame, and your veluets Creditor, and

for

for the other you haue made Cash Debitor for foure hundreth ninetie pounds, which you haue receiued, and likewise your Veluets Creditor for the same summe; so in both, one thousand and ten pounds: and casting vp your charges, Customes, and Impositions of your Veluets, you find them to amount vnto 80 ℔, and for this summe you make Veluets Debitor, and Cash Creditor: so your Veluets did cost with all the said charges 920 ℔, and they were sold for 1010 ℔; so there is 90 ℔ aduanced by the said Veluets, whereof to cleare this account, you make Veluet Debitor, and Profit and Losse Creditor, as aforesaid. Hauing now money in Cash, you make ouer 300 ℔ for Amsterdam by exchange, with condition and order to your Factor, That from time to time as the mony groweth due, hee shall make it ouer againe by exchange vnto you at double Vsance, which is two moneths, as you made it ouer vnto him: some now in this case wil arme an account of exchanges; but it is better to make the factor of Amsterdam debitor for it, and cash creditor.

Ships are now arriued from Saint Lucar in Spaine, and your Factor of Seuill hath sold your Perpetuanoes, Bayes, and Lead, and in returne thereof hath sent you a parcell of Tabacco, because Cutcheneall was too deare, and rich Indico is heere too good cheape: withall hee hath sent you the account of your commodities kept in Royalls of Siluer, accounting sixe pence for a Royall of the cleere Prouenu, being 27240 Royalls, making sterling 681 ℔, whereof you make him Debitor, and the Voyage for Spaine Creditor; and when you come to your Leiger Booke, there it appeareth that the said goods did cost you 736 ℔, and so there is lost 55 ℔. For this now to cleare the account of the said goods, you make Profit and Losse Debitor, and the said Voyage Creditor to ballance this losse, contrarie to the gaine; the Tabacco did cost with all charges 24800 Royalls, which is 620 ℔; for this you make an account of Tabacco Debitor, and your Factor of Seuill Creditor, in the same manner as you did your Veluets, putting thereunto the great Impost which you paied for the same, and all charges; and hauing sold your Tabacco for tenne shillings a pound one with another, you find to haue made cleere aboue one thousand pounds, be it 1010 ℔, which cost you in Spaine but 620 ℔, so heere is 390 ℔ gotten; but you lost 55 ℔ by your wares sent into Spaine: well, this account is cleared, Tabacco is made Debitor 390 ℔, and Profit and Losse Creditor for the same, and now you are well stored for money, for all is readie money, sauing 300 ℔ at sixe moneths. Hereupon you make more money ouer by exchange for Amsterdam, by seuerall Bills to your Factor, to the sum of 500 ℔, and thereupon he is made Debitor, and Cash Creditor for the said sum, *Interim* your said Factor of Amsterdam hath made ouer vnto you by exchange the former 300 ℔ backe againe, for which you make him Creditor, and the partie Debitor that is to pay you the money at double Vsance.

Returne from Spaine in Tabacco.

Accounts of goods sold in Spaine.

Losse vpon wares in Spaine

Reduction of Spanish mony into sterling.

Gaine by Tabacco.

Money made ouer by exchange.

The Ships of Lixborne are also arriued, and bring in returne of

your

your Kerſeys and Reading clothes, fortie cheſts of Sugar of the three ſorts, *Pancla*, *Maſcauado*, and *Blanco*, or white, with aduice that the commodities are ſold at a reaſonable rate, for by the account it appeareth that the nett Prouenu of it commeth to 1204 thouſand 800 Reys, which make 3012 ducats of ten Royalls, or 400 Reys, is ſterling 753 ℔; ſo that there is aduanced by the account inſt one hundreth pounds, which are carried to the account of Profit and Loſſe, as in the former Accounts. The fortie cheſts of Sugars did coſt 550 ℔, whereof the Factor of Lixborne is made Creditor, and the Account of Sugars Debitor, in like manner as aforeſaid, *Mutatis, Mutandis*, and the ſaid Sugars were ſold paiable at ſixe and ſixe moneths, for 820 ℔; ſo that the charges and cuſtomes deducted, there was 190 ℔ gotten, which are likewiſe poſted to the Account of Profit and Loſſe.

Reduction of Portugall money into ſterling.

The 300 ℔ made ouer from Amſterdam, are now due to be paied heere, and the Merchant doth offer you to pay them by a new Bill of exchange; whereunto you agree, and heereupon you make him Creditor, and your Factor of Amſterdam againe Debitor: and withall you make ouer by exchange other 200 ℔ payable at double Vſance; and for this you make him Debitor alſo, and Caſh Creditor.

Money which was made ouer, returned by exchange againe.

The yeare is now almoſt expired, and euerie prouident Merchant doth commonly make vp his Account, and draweth a ballance of his booke, and this Merchant findeth to haue receiued of his Mannor of Latham, and leaſe of a houſe 106 ℔, and for this he charged his Caſh, and carrieth the ſame to Gaine and Loſſe, as he did all the former parcells. Then hee doth caſt vp his expences of houſe keeping, which come to 150 ℔; and for this hee maketh Profit and Loſſe Debitor, and Caſh Creditor.

Money receiued of lands and leaſe.

Expences of houſe keeping reckoned.

The 400 ℔ made ouer from Hamborough are receiued, and Caſh is Debitor for it, and the parties that payed the ſame, are made Creditor, and diſcharged. Now by the Account of Profit and Loſſe, there appeareth to be gotten 911 ℔ cleare, all charges and expences deducted: this is now carried to Stocke, which is now 5911 ℔. Heereupon take all the remainders of the Accounts by Debitor and Creditor, which is the ballance of the Booke, and you ſhall find nothing on the Creditors ſide, but the Capitall of 5911 ℔, which is ballanced by the nine accounts following, and the three accounts for the lands, leaſes, and houſhold ſtuffe, amounting to 1900 ℔ vnaltered; So 1900 ℔ for the ſaid lands, leaſe, plate, and houſhold ſtuffe.

Gaines of the Account of Profit & Loſſe, and Loſſe carried to Capital or ſtocke.

Ballance of the Leiger Booke.

| | |
|---|---|
| 420 | Owing by two parcels at intereſt, by *C.D.* & *N.W.* Merchants. |
| 520 | Owing for Veluets ſold to, &c. |
| 300 | Owing for Tabacco ſold to, &c. |
| 820 | Owing for Sugars ſold to, &c. |
| 1000 | Owing by the Factor of Amſterdam, &c. |
| 180 | Owing by the Factor of Hamborough, &c. |
| 61 | Owing by the Factor of Seuill, &c. |
| 203 | Owing by the Factor of Lixborne, &c. |
| 507 | Readie money in Caſh. |
| 5911 ℔. | |

Thus

Thus it appeareth, that this Merchant hath augmented his Capitall or Stocke nine hundreth and eleuen pounds, being now worth 5911 ℔. And if he had beene a loser by the Account of profit and losse, then must he make his Capitall Debtor, and the said Account Creditor, to ballance the matter, whereby his Stock would haue decreased. Now by these proceedings in buying and selling, receiuing and paying, you may vnderstand all other voyages for what places soeuer, taking notice of the diuersities of moneys, and calculations of Exchanges alreadie declared in our former Chapters; hauing an especiall care to keepe an orderly Cash Booke of all the moneys receiued and payed out; which, as money is *Publica Mensura*, or a right Iudge to set a price vnto euerie thing, so may you by the measure thereof (truely entred in the Cash Booke) find out many doubts, questions, and vncertainties in Accounts. For the moneys being proceeding from the originalls of commodities or exchanges, and the persons with whom you deale therein, giueth you light and direction to discusse these differencies; and therefore it may well be compared to the measure of *Hercules* foot, whereby the whole Symetricall proportion of all his bodie was found out. And manie Merchants Accounts are so intricate, and ouergrowne with errors, as *Archymedes* Tombe with thornes, when *Cicero* came to visit it.

Losse by the Account of profit and losse

The importance of a Cash Booke.

Symetricall proportion in Accounts.

But now me thinkes I heare one say, You haue briefely shewed vs the manner of Accounts by Debitor and Creditor, with the application of it to a Merchants negotiation for Commodities and Money, and also by deliuering money by Exchange, and how Money is gotten by Commodities, and by letting the same at Interest; But I cannot vnderstand how a Merchant getteth money by Exchange of money by bills of Exchanges.

Hereunto I answere, That it was omitted of purpose, because it should not obscure the former demonstration; otherwise the matter is of such importance, that whosoeuer dealeth without consideration of it, is like to a blind man groping in the dark, and yet may hit the egge. For (according to the price of Exchange) all the commodities of the realme which are exported, and all the forreine commodities imported, are sold.

Know ye therefore, that the benefit or profit of exchange is neuer known directly, but by the rechange thereof: to which end you may remember, that our Merchant did first make ouer three hundreth pounds by exchange for Amsterdam, which were rechanged againe; and then he made ouer fiue hundreth pound, three hundreth pounds, and two hundreth pounds, in all one thousand pounds; and now lately he hath made ouer one thousand pounds more for the said place of Amsterdam, all at double Vsance, to make the better benefit and lesse charges. These moneys are made ouer at seuerall places as followeth.

Profit of exchange known by the rechange.

℔ 300

The manner how exchange giueth profit.

| | | ℔ | ß | d |
|---|---|---|---|---|
| 300 ℔ | are made ouer at thirtie fiue ſhillings Flemiſh for the pound, is | 525 | 0 | 0 |
| 500 ℔ | are made ouer at thirtie foure ſhillings ten pence, is Flemiſh | 870 | 16 | 8 |
| 300 ℔ | at thirtie foure ſhillings ſix pence, is | 517 | 10 | 0 |
| 200 ℔ | made ouer at thirtie foure ſhillings eight pence, is Flemiſh | 346 | 13 | 4 |
| 1000 ℔ | at ſeuerall prices one with another, at thirtie fiue ſhillings | 1750 | 0 | 0 |
| So the 2300 ℔ ſterling paid at Amſterdam, is Flem. | | 4010 | 0 | 0 |

Theſe moneys haue beene made ouer, or returned againe by Exchange at ſeuerall prices, and the account cleered, as followeth.

| | | ℔ | ß | d |
|---|---|---|---|---|
| 300 ℔ | were made ouer from Amſterdam, at thirtie foure ſhillings two pence, is | 512 | 10 | 0 |
| 500 ℔ | were made ouer at thirtie three ſhillings ſix pence for the pound ſterling | 837 | 10 | 0 |
| 500 ℔ | at thirtie three ſhillings nine pence, paied at Amſterdam for the pound | 843 | 15 | 0 |
| 500 ℔ | at thirtie three ſhillings eight pence in like manner, is | 841 | 13 | 4 |
| The Factor taketh for his ſallarie, and paied to Brokers | | 21 | 4 | 8 |
| And maketh ouer 500 ℔ more, and gaue thirtie three ſhillings ten pence for the pound | | 845 | 16 | 8 |
| More at the ſame price of thirtie three ſhillings ten pence, he made ouer the iuſt remainder in his hands, being 107 ℔ 10 ß 4 d, and ſendeth a particular bill of Exchange of 63 ℔ 11 ß for it | | 107 | 10 | 4 |
| | | 4010 | 0 | 0 |

Gaine by exchange to profit and loſſe.

Here you may find diſtinguiſhed, that wheras you made ouer from London the ſum of 2300 ℔ ſterling you now receiue backe 2363 ℔ 11 ß, whereby your profit is 63 ℔ 11 ß, of this you make your Factor Debitor, and the account of Profit and Loſſe Creditor, and the like of other ſummes for otherplaces. The Spaniard therefore frameth an Account of generall exchanges for all places, called *Cambios generales*, to keepe an euen and iuſt Account with his Factor, admitting a certaine rate betweene him and the ſaid Factors, according to which he rateth all the parcells of Account, be it for commodities bought or ſold, or moneys paied and taken vp againe by exchange, which is the more labour, but more exactly done, otherwiſe it bringeth ſome alteration in Account, as for example.

Difference in the rate of exchange.

This Merchants Factor at Hamborough doth remaine Debitor vpon the Account one hundreth and eight pounds, which is according

ding to twentie six shillings eight pence for the pound sterling. This money he maketh ouer by exchange, but he is faine to giue twentie seuen shillings for the pound, which doth differ foure pence lups in the pound sterling: so that for this difference you must make another parcell, charging the account of Profit and Losse with this losse, and making your Factor Creditor for it: whereas in the generall account of exchanges, all is brought ouer in one parcell; but herein euerie man may follow his pleasure.

Another obiection is made, How shall a man do that hath no stock, or little or nothing to begin the world, as diuers men that from nothing come to an exceeding great wealth? what booke of account can they keepe by Debitor and Creditor? Obiection.

The answere is manifest, all is grounded vpon trust. If any man will sell you commodities payable at long daies of payment, and you sell them, and pay him with his owne, you can make him Creditor for the same, and the commoditie Debitor: and in like manner if any man lend money vnto you to trade withall. So that you may perceiue that this is an excellent inuention, and a most commodious course to know things readily. Answere.

The Bankers therefore that deale for millions of pounds, and make great payments continually by assignation, doe summe vp euerie tenne parcells, and post them ouer to a new Account, because they know at all houres whether a man be Debitor or Creditor vnto them. The keeping of accounts by the Bankers.

If the treasure of Princes were disposed by this manner of Account, they should receiue many benefits and aduantages.

First, they should not be in wants as they commonly are, but make their treasure goe further in payments, because they may know at all times where to find their owne, and what is owing vnto them. Princes accounts to be kept by Debitor and Creditor.

Secondly, they should not be deceiued as they are by their Auditors accounts, by way of charge and discharge, made sometimes many yeares after, when commonly officers are much indebted vnto them, and yet call for money continually, which afterwards (before the account made) is consumed by extraordinarie allowances, which are easily procured, when their moneys are out of their coffers; so that vpon the matter, they might pay that with one pennie which now doth cost them three pence, whereof the late warres in Ireland giue vs a sufficient instance.

Lastly, the charges and expences of officers would be much diminished, and Princes would content their followers and subiects with better pay.

Worthie of perpetuall remembrance is that noble Prince King *Henrie* the seuenth, who (in his singular wisdome and pollicie) knowing how Princes are subiect to bee wronged by their officers in the disposing of their treasure, by fraudulent and deceitfull accounts, which either by ignorance or otherwise by conniuence do passe, did himselfe Notable example of King *Henrie* the seuenth.

himselfe (with great facilitie) take an inspection in all his Exchequer Accounts, by an abstract of the said Accounts, entred in a booke by some experienced and skilfull man in Accounts, whereunto his highnesse did subscribe his royall signature, before the Officers (vpon good certificate made to the Lord Chauncellour) could haue their *Quietus est* passe the great Seale of England. And the said King was pleased many times to enter into particular examination of some of the Accounts, whereby he did strike a terror into the hearts of the officers; so that they became more carefull, and durst not commit any fraud or deceit by combination or tolleration, but his treasure was duely administred and preserued. This Signature of the Kings in the said booke, is extant to be seene in his Maiesties Exchequer.

Providence of the French King *Henrie* the fourth.

Vrgent necessitie caused the late French King *Henrie* the fourth, when he was King of Nauarre, to be present in the disposing of his treasure: in so much that afterwards (in possessing the Diademe of all France, and calling to remembrance his former obseruation, by comparing things to their first principles) he found that of euerie French crowne (being sixtie soulz) which his coffers should receiue, there came not aboue the fourth part *de claro* vnto him. Whereupon, by rooting out of corruption, deposing of needlesse officers, profitable emptions of things necessarie, and by wise disposing of them, he brought (*è contrario*) three parts of euerie crowne vnto his coffers, and did in progresse of time accumulate a verie great treasure: and yet did he increase officers fees, according to the alteration of time, which (by accidentall causes) had made euerie thing deerer.

Factors Accounts.

Thus much *obiter*. Now if a Merchant be also a Factor for others in the buying and selling of Commodities, deliuering of Moneys at interest, and by dealings in Exchanges and Rechanges, hauing factoridge allowed vnto him for the same, according to the manner of Merchants, some more and some lesse, as they agree betweene them, the difference in keeping other mens Accounts with whom they haue any correspondence, is but small; for if it be for goods or merchandises sold, they will intitle the Account, Goods of the Account of such a man do owe vnto Cash such a summe paied for Custome and Charges; or if it be for goods bought, he will do the like, and discharge the Accounts by making the said Merchant Debitor or Creditor for it is as the said Accounts require, which he doth also charge with factoridge, or prouision for his sallarie: and therfore all Factors keepe a particular Account, to know what they haue gotten by factoridge or prouision at the yeares end, and then they charge that Account with their charges, and all such expences as they haue been at, and the remainder is posted to Capitall, as in the Account of Profit or Losse; whereupon some others do bring their charges and expences, and so carrie all the prouision to Capitall or Stocke: Herein euerie man may vse his pleasure, for this manner of Account affoordeth many distinctions, all which seuerall branches or members of Account may be brought to make vp the the compleat Bodie; for by

the dismembring of an Account, separating euerie thing in his proper nature, you are inabled to find out many errours and intricatenes of Accounts, by reducing the Bodie of it to his perfection. Dismembring of Accounts.

In this place may be expected a declaration of the seuerall coynes, or calculation of moneys, wherein the Bookes of Merchants Accounts are kept beyond the Seas: But because the same is founded vpon the seuerall exchanges betweene Countrey and Countreys, I haue thought good to referre the same in the proper place of exchanges hereafter following, and to conclude this Second Part of *Lex Mercatoria*, with that notable question made by the Ciuilians; Whether a Merchant or a Banker, keeping two Bookes of Account, the one concerning the moneys of his Banke, and the other touching trade of Merchandise for wares, shall bee censured alike for such moneys as hee oweth vnto his Creditors? So that the Creditors (after his decease) shall all stand in equall degree to be payed, either in the whole or in part, if the Bankers estate bee not sufficient for the payment therof: Herein the Iudges of Merchants do make no difference, but the Ciuilians haue made a great distinction therein, and they say, That the Booke of the Banke, is more to bee credited than the other; For, saith *Benuenuto Straccha*, the Booke of the Banke was kept publikely, and the other (as it were) secret to himselfe: so that the Creditors of the one are to bee distinguished from the other, as being two negotiations, and to bee dealt therein according to their seuerall natures, and the meanes thereof extant, with such considerations as may bee incident thereunto. To declare my owne opinion, I say, That the Canon and Ciuile Law, making no distinction in the payment of the Testators Debts, betweene moneys owing for wares or for interest; there ought not to be any difference in the nature of the debts, in regard of the Bookes of Accounts. A Question made by Ciuilians about Bookes of Account.

(***)

## *The End of the Second Part.*

the difcumbring of an Account, feparating cuerie thing in his proper nature, you are inabled to find out many errours and intricacies of Accounts, by reducing the Booke of it to his perfection.

Diſcumbring of Accounts.

In this place may be expected a declaration of the Generall cuſtoms, or calculation of moneys, wherein the Bookes of Merchants Accounts are kept beyond the Seas: But becaule the fame is founded upon the Generall exchanges betweene Country and Countrey, I haue thought good to referre the fame in the proper place of exchanges hereafter following, and to conclude this Second Part of Merchandize, with that profitable queſtion made by the Cauillers, Whether a Merchant or a Banker, keeping two Bookes of Account, the one concerning the moneys of his Banke, and the other touching trade of Merchandize for wares, ſhall bee conſtrued alike for ſuch moneys as hee owech vnto his Creditors? So that the Creditors (after his decreaſe) ſhall all ſtand in equall degree to be payed, either in the whole or in part, if the Bankers eſtate bee not ſufficient for the payment thereof. Herein the Iudges of Merchants do make no difference, but the Cauillers haue made a great diſtinction therein, and they ſay, That the Booke of the Banke, is more to bee credited than the other; For ſaith Emanuele Sarache, the Booke of the Banke was kept publikely, and the other (as it were) ſecret to himſelfe: In that the Creditors of the one are to bee diſtinguiſhed from the other, as being two negotiations, and to bee dealt therein according to their ſeuerall natures, and the meanes thereof exiſting, with ſuch conſiderations as may bee incident thereunto. To declare my owne opinion, I ſay, That the Canon and Ciuile Law, making no diſtinction in the payment of the Teſtators Debts, betweene moneys owing for wares or for intereſt, there ought not to be any diſtinction in the nature of the debts, in regard of the Bookes of Accounts.

A Queſtion made by Cauillans about Bookes of Accounts.

## The End of the Second Part.

# THE THIRD PART OF *LEX MERCATORIA*, OR THE Ancient *Law-Merchant*; concerning Exchanges for Moneys by Billes of Exchanges, compared *to the Spirit or Facultie of the Soule of* TRAFFICKE and COMMERCE.

HAVING (in the First and Second Part of this Booke) intreated of the Bodie and Soule of Trafficke, namely, Commodities and Moneys. Let vs now handle the predominant part of the course of Trafficke, which is the Exchange for moneys, by Bils of Exchanges for forrain parts, compared to the Spirit or Facultie of the Soule. For as moneys do infuse life to commodities by the meanes of Equalitie and Equitie, preuenting aduantage betweene Buyers and Sellers: so Exchange for moneys by Bills of Exchanges (being seated euerie where) corroborateth the Vitall Spirit of Trafficke, directing and controlling (by iust proportions) the prices and values of commodities and money, as shall be declared.

Many men cannot well discerne the distinction of the Spirit in sundrie matters, becaufe man (consisting of Bodie and Soule (that) which belongeth to the Spirit) is comprized vnder the name Soule: but if they be willing to vnderstand the necessarie distinction heereof, reason in the Theoricke Part, will demonstrate the same in the Practike Part of this discourse of Exchanges.

Saint *Paul* in the later end of his second Epistle to the Thessalonians, wished a sanctification to their spirits and soules, and their bodies vntill the day of Iudgement. For albeit the Spirit of man, is rightly termed to bee the Facultie of the Soule; yet the parts of the Soule concerning Vnderstanding and Will, haue their proper relation; for that part called Vnderstanding, is seated chiefly in the Soule, as Will is in the Spirit, both to be accompanied with Knowledge. 2. *Thess.* 5. 23.

The Facultie of the Soule, is the Spirit of man.

The Phylosophers haue made this distinction by their Chimicall obseruation: and such as place the Soule in the bloud (dispersed through all the veynes of the bodie) do also place the Will of man in

the ſpirit, reſiding in the heart of man, which the Anatomiſts demonſtrateth to be a little concauitie, where the drops of the vitall bloud are placed in the heart, which are ſeared vp, and the place is ſhrunke in bodies which haue been poiſoned.

Application of the compariſon.

To make application of this compariſon betweene the Soule and Spirit, we ſhall find by the following diſcourſe, that euen as the Spirit of man is predominant ouer the Soule and Bodie in all the actions thereof, which by the bloud are quickned and preſerued, euen ſo is the Exchange for moneys by Bills of Exchanges, onerruling the courſe of commodities and moneys in all places where the action of money is felt or ſeene, directing the ſame (by ſome due proportions) accordingly.

## Chap. I.

### *Of the Beginning of the Exchange for Moneys, by Bills of Exchanges.*

THE Exchange for moneys is of great antiquitie: for (as we haue declared) the firſt Siluer moneys coyned by the Romanes is almoſt 1900 yeares ſince. And euen as money was inuented to bee made of the beſt mettalls, to auoid the troubleſome carriage of commodities vp and downe, and from one countrey into another: So (vpon the like conſideration) when other nations (imitating the Romanes) did coyne moneys, Exchange by Bills for moneys was deuiſed, to auoid both the danger and aduenture of moneys and the troubleſome carriage thereof. This money now being made by diuers Nations of ſeuerall ſtandards and diuers ſtamps and inſcriptions, (as a Marke of Soueraigntie) cauſed them to appoint a certaine Exchange, for the permutation of the ſeuerall ſorts of coynes in diuers countreys, without any tranſportation of the coyne, but giuing *Par pro Pari*, or value for value, with a certaine allowance to accomodate the Merchant: and the officers to execute the ſame, were called *Numularij*, *Argentarij*, and *Collybiſtæ*, that is to ſay, *Numularij* of *Nummus* or the coyne it ſelfe; *Argentarij*, becauſe the Siluer coyne was moſt vſuall in the courſe of trafficke; and *Collybiſtæ*, becauſe it ſignifieth a reward for Exchanging.

The cauſe of the Exchanges

Here

Here now let vs obſerue foure manner of Exchanges which haue beene vſed, and in ſome countreys are yet continued, albeit ſome of them are abrogated in England, commonly called *Cambio Commune*, *Cambio Reall*, *Cambio Sicco*, and *Cambio Fictitio*, which denomination may be admitted.

1 *Cambio Commune.*

The firſt manner of Exchange, called *Cambio Commune*, is properly that Exchange which the ſaid *Collibiſtæ*, or common Exchangers did vſe by the authoritie of Princes and Common-weales, for the lawfull and currant moneys of their Kingdomes and Territories; which was found to be verie expedient and neceſſarie, and was eſtabliſhed to preuent the exportation of money from one countrie into another countrie: and theſe Exchangers did deliuer in all countries the Money in one ſpecie, for the Moneys in other ſpecies by them receiued, as aforeſaid. Whereupon King *Edward* the third of England cauſed certaine Tables to be ſet vp at Douer and other places of the realme, declaring the value of the ſaid ſundrie ſpecies of coyne of all countries trafficking with his ſubiects, and the allowance which Merchants were to giue to haue their turnes ſerued; as may appeare by the good Lawes made in his time, when there was Moneys coyned in diuers places of this Kingdome, and not in one mint onely, within the Tower of London. And this was long before the diſcouerie of the Weſt-Indies, from whence the ocean of Money did run into Chriſtendome. And for the gouernment of the ſaid Tables, all was at the direction of the Maſter of the Kings Mint at London, and with a correſpondence of other Mints, namely at Canturburie, at Kingſton vpon Hull, New-caſtle vpon Tine, Briſtoll, and Exceter. And the Exchanger for the King at London did alſo depute Exchangers in the moſt places, except that certaine Merchants of Florence, called *Friſcobaldi*, were the Kings Exchangers at Kingſton, New-caſtle, and Exceter, who made the ſaid Exchanges of value for value, with a reaſonable allowance; and by their meanes were all the ſaid Mints ſet on worke, and the tranſportation of our Moneys was preuented; for as Biſhop *Turſids* booke of Arithmeticke declareth, by giuing *par pro pari*, or value for value, there was no gaine left to the tranſporter.

Tables of Exchange.

*Friſcobaldi* the Exchangers.

The Kings of England did conſtitute theſe Exchangers, euen as the Cambiadores and Banquers are vſed in other countries, being authoriſed by the King or Prince of the ſaid countries, eſpecially King *Edward* the firſt of England, who had two Exchangers, the one called *Cuſtos Cambij infra Turrim*, who had the charge in buying of bullion, and to looke to the coynage of Money within the realme, now called the Warden of the Mint: the other was called Keeper of the exchange and rechange within or towards this realme, for Moneys to be paied *in ſpecie*, by Bills of Exchanges beyond the ſeas. And afterwards the ſaid Exchanges were made without naming the ſpecies, but according to the value of the ſeuerall coynes, and this was called *Cambium Regis*, or Royall Exchange, which cauſed Queene

Kings Exchangers.

2 *Cambio Reall.*

*Eliza-*

*Elizabeth* to name the Burſe in London accordingly.

This office appeareth to haue been in the eleuenth yere of the ſaid King *Edw.* by an Act of Parliament made at Acton Burnel, ſince which time the ſucceeding Kings and Queenes haue continued the ſame by ſixteene ſeuerall Letters Patents. And whereas it ſeemed that the ſaid two Exchangers could not execute their offices conueniently being aſunder; it fell out, that in *Henrie* the ſixth his time, a Law was made, by which both offices were put into one mans hand, and ſo continued many yeares, vntill the time of King *Henrie* the eight, when he cauſed baſe Moneys to be made at the ſeige of Bulloigne, whereupon no certaine Exchange could be grounded: albeit that before that time, in the two and twentieth yeare of his raigne, he cauſed a Proclamation to be made according to an old Statute made in the time of King *Richard* the ſecond, That no perſon ſhould make any Exchanges contrarie to the ſaid meaning or Act of Parliament, vpon paine to be taken to be the Kings mortall enemie, and to forfeit all that he might forfeit. For in his noble fathers time King *Henrie* the ſeuenth, the Bankers had inuented a courſe of merchandiſing by Bills of Exchanges; and eſpecially two other Exchanges, which they named *Cambio ſicco*, and *Cambio fictitio*.

Exchanges diſcontinued.

The Chronicle of *Graſton.*

3 *Cambio ſicco*

This *Cambio ſicco, alias* called drie Exchange, is in this manner: A Merchant hath occaſion to vſe, *Verbi gratia*, one hundreth pounds, which they will deliuer him in London, to be paied vnto their Factor at Stoad: but hauing there no Factor of his owne, the ſaid Merchant is contented to make his Bill of Exchange vpon the Bankers Factor, payable to him the ſaid Factor, with order and aduice, that when the ſaid Bill ſhall be due, he ſhall charge him by Exchange againe, and take vp the Money there, and hee will pay the ſame with the rechange and charges of Factoridge and Brokeridge: wherein they will be ſure to make him pay verie great vſe or intereſt, of fifteene or twentie in the hundreth for the taking vp of this Money, and to make it more drier Exchange, they will be contented to take no Bill at all, but the Merchants promiſe to pay it as other men doe at the ſame time, dealing in Exchange for the ſaid place of Stoad, and in like maner for other places.

4 *Cambio fictitio.*

*Cambio fictitio* is yet more pernitious, and performed in this manner: A Merchant (to keepe his credit) being driuen to buy goods for a ſhift, when Money is not to be had, and he will not be beholden vnto others, comming vnto them (as hauing ſtore of commodities at all times) they faine that they haue need of Money, and muſt ſell their commodities for readie Money; Prouided alwaies (ſay they with louing proteſtations) we will pleaſure you thus far, looke what the goods come vnto, we will take it vp for you by Exchange for Venice, Lyons, or ſome other place, ſo as you will pay vs for Exchange, Rechange, or any other incident charges: wherunto the merchant agreeing, then ſhall he be ſure to pay ſoundly for the vſe of the Money, and looſe exceedingly vpon the wares.

Theſe

These two biting manner of Exchanges being discouered, were by an Act of Parliament prohibited in the third and fourth yeare of King *Henrie* the seuenth: afterwards (as is noted) the Exchange being discontinued in the time of King *Henrie* the eight, it happened that the former abuses came to bee rife againe in the raigne of King *Edward* the sixth, which caused the vse of Exchange to bee vtterly forbidden for a short time. But as Ships cannot saile without water, no more can trafficke subsist without Exchange in the accustomed places; so that the inconueniences appearing it was restored againe in hope of good dealing and reformation promised by other Princes, concerning the Royall Exchange. But in the time of Queene *Marie* it was againe neglected; who being married with King *Philip* the second of Spaine, did connive in those things, because the dominion of the Low-countreys were esteemed to be vnder one degree.

Exchange was forbidden.

In the beginning of the raigne of Queene *Elizabeth*, new complaint were made of the new Exchanges, by Master *Hussey* Court-master of the Companie of Merchants Aduenturers; but no man could apply or find a remedie to moderate the inequalitie of Exchanges, and to haue value for value, as appeareth by Letters Pattents graunted to the old Lord Treasurer *Burghley*, who did not execute the same in three and twentie yeares after for want of true direction, to the great losse of the Realme; as may bee seene by a Commission in Blanke returned by diuers Merchants: albeit the Italian Merchants in those daies could not denie the abuses thereof being expostulated withall, as by their politicke Letters appeareth, vnder the hand of *Acerbo Velutelli*, *Scipio Canalcanti*, and others, who wanted not some vpholders to maintaine their priuate benefit.

Complaints of Exchanges.

(***)

CHAP.

## CHAP. II.

### *Of the true calculation of Moneys in exchange by Bills of Exchanges, according to* Par pro pari.

The true ground of Exchanges.

THe true royall Exchange for Moneys (by Bills of Exchanges) is grounded vpon the weight, fineneſſe, and valuation of the Money of each countrie, according to the *Par*, which is, value for value: and ſo is our Exchange of England grounded vpon the weight and fineneſſe of our Monies aforeſaid, and the weight and fineneſſe of the Moneys of each other countrie, according to their ſeuerall ſtandards proportionable in their valuation, which (being truely and iuſtly made) maketh the price of Exchange for euerie place, according to the denomination of the Money, wherupon all Exchanges are made.

Theſe Exchanges do much differ in the name and proportion between the gold and ſiluer obſerued in moſt countries; ſo that we are to examine and compare our weight aforeſaid, with the weight of other countries, and the fineſſe of the ſterling ſtandard with the fineſſe of the ſeuerall ſtandards of the coynes of other countries: and if we differ not with them in the proportion betweene the gold and ſiluer, then may our Exchanges run at one price both for gold and ſiluer, taking the denomination according to the valuation of Monies of each countries: and hereby ſhall we find how much fine ſiluer or gold our pound ſterling containeth, & what quantitie of other Monies of Germanie, Italie, France, the Low-countries, Eaſtland, and elſewhere we are to haue in Exchange to counteruaile the ſame in the like weight and fineneſſe anſwerable vnto ours, be it by the Pound, Doller, Ducat, Crowne, or any other imaginarie or reall coyne, giuing alwaies value for value, and receiuing the like, which is called *Par*. But this courſe of Exchange being of late yeares abuſed, and (as it were) made a merchandiſe, doth ouerrule the courſe of Commodities and Moneys by riſing and falling in price, according to plentie and ſcarcitie of Money, and in regard of diſcrepaunce and diſtance of time and place: which made ſome Merchants (by miſtaking) to compare the courſe of Commodities and Exchange to be a like; as if the meaſure of a thing, and the thing meaſured thereby

The maner to calculate Exchange.

Imaginarie and reall coyne.

*Par* of Exchange.

were

were alone. For euen as money is *Publica Mensura*, or the publike measures within the Realme betweene man and man: so is Exchange for moneys, the publike measure betweene vs and forraine countries for all commodities bought and sold, which therefore requireth a certaintie in the calculation of the *Par* aforesaid, admitting neuertheleſſe an aduantage aboue the same, vpon occasions on either side.

Exchange the publike measure of nations, &c.

This Exchange is properly made by Bills, when money is deliuered simply here in England, and Bills receiued for the same, to haue the payment thereof in some other countrey beyond the Seas, or when the like is done beyond the Seas, and the money is receiued here in England, and that vpon a certaine price agreed vpon betweeh partie and partie, which is termed the price of Exchange, whereof Merchants haue the onely and whole diſposing, and buy and sell their commodities beyond the Seas accordingly: without that few or none of them doe looke into the nature of Exchange, as aforesaid, but only to the present obiect, which is, to know how the price of Exchange goeth at the time when they haue occasion to deale therewith: howbeit such Merchants as neuer or seldome deale for commodities, but altogether for money by Exchange haue another obseruation therein; and Merchants that will be Exchangers indeed, muſt know perfectly the weight and fineneſſe of our Engliſh coyne, and of the forraine coyne also, and compare the same together to make the said calculation of Exchanges; wherein they are not to be directed by the valuation which is vncertaine and inconſtant, much leſſe by the tolleration of moneys beyond the Seas to goe currant aboue the said valuation; so that by authoritie they ought to bee gouerned and directed herein, declaring the true value for value, or *Par pro Pari*, as the verie foundation of all Exchanges: becauſe this is not a fit ſtudie for euerie Merchants capacitie, and may be done neuertheleſſe with great facilitie, and without interruption of trafficke, as ſhall be declared.

The manner of the Royall Exchange.

Valuation of money beyond the Seas inconſtant.

But to come firſt to the particulars concerning weight, wee are to know, that in all places beyond the Seas, they vſe for their moneys (both of Gold and Siluer) the marke weight of eight ounces, heretofore ſpoken of, with the diuiſion of twentie pennie weight, or twentie Engliſh, ſo called beyond the Seas, and the ſubdiuiſion of twentie and foure graines here, or thirtie two azes or graines there. Theſe eight ounces compared vnto our pound weight Troy of twelue ounces, are within a little all one, ounce for ounce in weight. But vpon the pound of twelue ounces, as aforeſaid, which is one marke and a halfe marke weight of theirs, it is found that in the ſaid proportion of a pound, our weight is heauier than the weight of Germanie and the Low-countries by three pennie weight; and than the weight of France, Italy, Spaine, and Scotland, by foure pennie weight; all which may be conſidered in the price of Exchanges, in allowing more or leſſe for the *Par* according as the foundation of the Exchange lyeth, either vpon our twentie Shillings ſterling, or vpon their Crowne, Ducat, Doller, Florin, or other coyne, which is properly the head or *Radix*

Weight of money in Exchanges.

*Cambij*,

The head of Exchanges, or *Radix Cambij.*

*Cambij*, whereupon Exchanges were made. This weight is to bee considered in the weight of the peece of coyne, and from the peeces to the number of them in the marke or pound weight aforesaid.

Fineneſſe of money in Exchanges.

Concerning the fineneſſe of moneys to be calculated in Exchange, the ſame is knowne by weight, for it muſt bee diſtinguiſhed thereby, that is to ſay, We ought to know how much fine Siluer or fine Gold there is in the marke or pound weight, of the ſundrie coynes of the ſeuerall ſtandards of moneys of all Countreys, where Exchanges are vſed betweene vs and them: and to calculate the ſame vpon the pound ſterling for ſome places, or vpon the Crowne, Ducat, Doller, Florin, and other imaginarie coynes for other places, to the end wee may haue fineneſſe anſwered by weight.

The manner to examine the weight and fineneſſe of money.

To vnderſtand the premiſſes, let vs ſuppoſe that a Merchant ſtranger commeth into the Realm, and bringeth with him many vnknowne and ſtrange coynes, to haue the coyne of the Realme for it, according to value for value by weight and finenes, and that the ſaid Merchant (hauing weighed the ſaid coynes) hath a ſufficient knowledge of the quantitie of fine Siluer and Gold which is contained in the ſaid weight, and his deſire is to haue the ſame anſwered vnto him by the like weight, and by the like fineneſſe in weight in moneys of this Kingdome. Herein (no doubt) he will be aſſured, what fineneſſe or fine Siluer and Gold there is in our moneys, and that he may haue the ſame by weight in the ſaid quantitie of coynes, whereupon (after the weight of our moneys) hee will calculate diſtinctly what quantitie of Siluer and Gold there is in the ſaid moneys, and what quantitie of Copper, and ſo will require the full quantitie both of the Siluer and Gold, and of the Copper accordingly. So is it with the matter of Exchange, grounded vpon the verie value of coynes, if there were no valuation whereby the price of coynes is baptized and receiueth a name, which giueth a denomination of price vnto the ſaid coynes, or vnto the Exchanges of the ſaid coynes, which in the manner aforeſaid maketh the ſaid price of Exchange.

Definition of Bullion and Alloy.

But ſo long as the calculation remaineth vpon weight and finenes, without reſpect had to the valuation; ſo long may wee eſteeme the ſaid coynes to bee in the nature of Materialls or Bullion; that is to ſay, Prohibited moneys to bee currant, which forraine Nations call Bullion, as it were vnlawfull and fit to be molten down, from whence the word Bullion is deriued, or which other nations call to be Materialls, or Maſſe of Gold and Siluer, euen as Copper is called Allay or mixture thereunto.

Valuation of moneys in Exchange.

Concerning the Valuation of moneys, wee haue alreadie in the Second Part intreated thereof, compendiouſly and ſubſtantially: ſo that in this place we are to obſerue the denomination, which giueth a rate or price vnto Exchanges, euen as it doth vnto the ſeuerall Species of money in their kind.

Proportion between Gold and Siluer in Exchanges made in England.

Concerning the proportion betweene the Gold and Siluer in the ſaid Exchanges wee are to obſerue, That when the proportion betweene

tweene the Gold and Siluer was 12 to one, or one pound of Siluer to an ounce of Gold (which is now 13 $\frac{1}{7}$ to one;) then the enſuing calculation in Exchange was true, namely, to account eight Carrats of fine Gold, or foure ounces of fine Siluer for twentie ſhillings ſterling, reſeruing in the ſaid rate a reaſonable gaine for the Merchants towards their gaines and charges. But now that the ſaid proportion is altered, and that thirteene ounces and $\frac{1}{7}$ part, or foure pennie weight is appointed to be giuen for one ounce; of neceſſitie it followeth that the Siluer is vnderualued, and the Gold aduanced: ſo that in matter of Exchange there ariſeth a twofold conſideration, the one to bee eſtabliſhed in *Par*, according to the Gold coynes, and the other after the Siluer coynes. And this meaſure of Exchange betweene vs and forraine Nations is verie tender and delicate; yet Merchants occaſions in the courſe of trafficke, doe exceed the ſaid limitation vpon plentie or ſcarſitie of money, and the many deliuerers or takers vp of the ſaid moneys according thereunto, which is proper to confirme the mutabilitie of Exchanging aboue the ſaid *Par*, but neuer vnder the ſame: for it is like vnto the Needle of the Compaſſe, which hath beene touched vpon the fixed North Starre.

Some Merchants are ſo farre wide from the knowledge of the value of coynes, and the Exchanges made thereupon, that they are of opinion, That there can be no certaine Rate or *Par* of Exchange ſet to anſwere iuſtly the value of the coynes of forraine parts, by reaſon of the diuerſitie and diſproportion of the coynes of Gold and Siluer, and their intrinſicall and extrinſicall values. But theſe Merchants are to vnderſtand, that the moneys of all Countreys haue a proportionable valuation relatiue within themſelues, according to their ſeuerall ſtandards for weight and fineneſſe, onely the ſmaller and baſer coyne haue ſome little knowne aduantage, which may bee conſidered of in Exchange, if there bee cauſe that the quantitie of thoſe moneys doe exceed the bigger and finer coyne. This conſideration hath beene had heretofore; and eſpecially in the *Par* agreed vpon between the Low-countreys and this Realme, In the yeare 1575, when vpon the *Philip* Doller the Exchange was at twentie fiue ſhillings the *Par*, and the ſmall moneys would exceed twentie ſeuen ſhillings and vpwards, but the quantitie did not ſurmount the better coyne. The like was vpon the *Par* agreed vpon with the States of the vnited Prouinces, *Anno* 1586, at thirtie three ſhillings foure pence; and with Hamborough and Stoade, to twentie foure ſhillings nine pence Lubiſh vpon the Rickes Doller of thirtie three ſhillings, or nine markes foure ſhillings for our pound ſterling of twentie ſhillings, making foure Dollers and one halfe to anſwere the ſaid *Par*, which Doller is inhanced ſince to fiftie foure ſhillings, and wee receiue now but foure Dollers for the ſame, and ſo for other places accordingly.

Proportionable valuation of moneyes for Exchanges to be made accordingly.

## CHAP. III.

### *Of the Denomination of the Imaginarie Moneys of all Places, whereupon Exchanges are made by Bills.*

THE Denomination of moneys, which wee call Imaginarie, is becauſe there is not any peculiar or proper money to be found *in Specie*, whereupon the Exchanges are grounded, as it was in times paſt in many places, where ſome moneys were the cauſe to ground the price of Exchange vpon: as our Angell Noble, being coyned for ſixe ſhillings and eight pence ſterling, whereupon Exchanges haue beene made, as now is done vpon twentie ſhillings, and ſo might the new peeces of our Soueraigne King *Iames* Laureat, be taken. But it is more proper to make Exchanges vpon the ſiluer coynes; for the price of commodities is moſt ruled thereby in all places, which by the quantitie is fiue hundreth to one. Hence did proceed the cauſe that when our Gold in the yeare 1611, was aduanced ten in the hundreth aboue the Siluer, the prices of commodities did not riſe, albeit forraine Nations did cauſe the price of Exchange to fall. But if Siluer were inhanced, preſently the price of commodities would follow as the rule thereof, and the price of Exchange would fall more, for Exchange will ouerrule both.

The price of Gold not ſo effectuall, as the price of Siluer.

In like manner do we call the moneys of other Countreys, whereupon Exchanges are made to be Imaginarie, as the Dollers in Germanie, the Crownes in France, the Ducats in Italy and other places, which by the great diuerſitie you may vnderſtand as followeth: together with

### *The Calculations of Merchants Accounts, whereupon their Bookes of Account are kept, according to their Imaginarie Moneys.*

Pound Flemiſh.

IN Flanders, Brabant, and moſt places of the Low-countreys, they keepe their Bookes of Account and Reckonings by twentie ſhillings Flemiſh, euerie ſhilling twelue deniers or pence, which ſhilling is ſix ſtyuers.

In

In Artois, Henalt, and other places by pounds tournois of twentie ſtiuers, or fortie pence Flemiſh, wherof ſix called guildren or florins, make the pound Flemiſh in all the ſeuenteene prouinces of the Netherlands. Pound Tournois.

Some do reckon by pounds Paraſis, which are but twentie pence, whereof twelue make the pound Flemiſh: but their accounts (as alſo the reckonings of their Prince, or Finances) are kept by pounds Tournois, which pound they diuide into twentie ſhillings, euery ſhilling into twelue pence; and the like is done by the pound Paraſis, and theſe haue alſo their ſubdiuiſions of Obulus, Maille, Heller, Hallinck, Corte, Mites, Point engeuin, Poot, and ſuch like copper moneys, too tedious to rehearſe. Pound Paraſis.

In Germanie, in the yeare 1520, was the gold guilder coyned for a generall coyne, and valued in Holland for twentie eight ſtiuers, which is now *in ſpecie* at double the price; neuertheleſſe they do continue to buy and ſel all that great quantitie of corne which is brought from the Eaſt countries, Poland, and other places, by the ſaid gold guilder of twentie eight ſtiuers. Their doller was coyned at ſixtie fiue Creutzers, ſince riſen to ſeuentie two Creutzers; yet their Exchange is made vpon the doller of ſixtie fiue Creutzers, which is imaginarie. Gold guildet. Creutzers.

At Auguſta the Exchange is made vpon the ſaid doller of ſixtie fiue Creutzers, at three weeks, or foureteene daies ſight after the bill preſented.

At Frankford they reckon by the guilder of ſixtie Creutzers, called in Latine *Crucigeri*, being peeces with a Croſſe, they are Florins, and their Exchange is made vpon the doller of ſixtie fiue Creutzers, payable in the two yearely Faires or Marts; the one the weeke before Eaſter, and the other in the beginning of September to continue for all the moneth. Florins of 60 Creutzers.

At Norenborough their Exchange is made vpon the ſaid doller of ſixtie fiue Creutzers, and many times vpon the Florin of ſixtie Creutzers, which they alſo diuide into twentie ſhillings, and euerie ſhilling twelue pence, to keepe their accounts by.

For Bohemia, Exchanges are made vpon the doller of twentie and foure Bohemicos. Bohemicos.

At Vienna they reckon by guilders or florins of eight ſhillings, of thirtie pence to the ſhilling, & two Heller to the penie, and Exchange is made thereupon.

At Bauiera by guilders of ſeuen ſhillings, of thirtie pence, for Exchanges and Accounts. Diuers guilders.

In Hungarie by guilders of ten ſhillings, of thirtie pence, and by florins of twentie ſhillings, and twelue pence to the ſhilling, and Exchanges are made vpon their ducat.

At Breſlo and Leypſich they reckon by markes of thirtie and two groſſes, of twelue heller to the groſſe, and they Exchange by thirtie florins Breſlowes, to haue at Vienna thirtie and foure florins, Markes of 32 groſſes.

or at Norenborough thirtie and two florins.

Pounds of 20 shillings, & 12 hellers &c.

At Vlme they reckon by pounds of twentie shillings, and twelue heller to the shilling, and their Exchange is is made vpon the doller of sixtie creutzers.

At Colloigne by dollers of seuentie two creutzers, for Accounts and Exchanges.

Pound sterling

At Embden they reckon by guilders, and Exchange vpon the rickx doller; but from London thither and hither vpon the pound sterling of twentie shillings.

Markes of 16 shillings.

At Hamborough they account by markes of sixteene shillings lubish, of twelue pence to the shilling; Exchanges for London vpon twentie shillings sterling, and for other places vpon the rickx doller before mentioned of thirtie and three shillings, now by them inhaunced to fiftie and foure shillings lubish, or so many stiuers Flemish.

In Pomerania they reckon by markes of sixteen shillings snudens, and the Exchange is vpon the rickx doller of thirtie and two shillings of two snudens.

Eight markes a doller.

In Sweden they reckon by markes, whereof eight make a doller, whereupon they Exchange, and two markes make a Clipping of 9 ½ stiuers.

In Denmarke vpon markes of sixteene shillings; Exchange vpon the doller.

Polish guilders of 30 grosses.

In Dansieke they keepe their account in Polish guilders of thirtie grosses, euerie guilder of eighteene pence to a grosse. They buy with the great marke of sixtie grosses, or the little marke of fifteene grosse, also by Scoc of three great markes; and they Exchange vpon the florin Polish, or vpon the pound Flemish, payable at foureteene daies, and also one moneth.

Florins Polish of 18 farthings

At Riga they buy by dollers or florins Polish of eighteene farthings, whereof the eleuen make ten dollers: but their Exchanges is made vpon the rickx doller.

The accounts in Barbarie are kept, and commodities are sold by a ducat of ten ounces to the ducat, and 8 eights to the ounce, valued at twelue pence sterling.

Florins of 48 shillings.

In Poland their accounts are made by markes, and the Exchanges vpon the doller, and also vpon the florin of fortie and eight shillings, the marke being ⅓ part of it.

In Russia they haue small coynes of eleuen ounces fifteene pennie weight fine, called Dengen, whereof three hundreth and twentie peeces weigh but a marke of eight ounces. They Exchange vpon the doller of Germanie: but for London vpon their roble, which is double ducat, accounted to be a marke sterling, or thirteene shillings foure pence.

Roble or mark

Ducat Di Camera.

At Rome they keepe their accounts by ducats *Di Camera* of thirteene Iulie euerie ducat, which they diuide in twentie shillings, and euery shilling 12 pence. Their Exchange is also made vpon the said

ducat

ducat *de Camera*, which for Lyons are made payable in markes *D'or*, or of gold, ſo called, but are imaginarie.

At Millaine, they keepe their Accounts by ducat imperial, diuided by twentie ſhillings and twelue pence, and their Exchanges are made alſo vpon the ſaid ducat, accounting eightie ſhillings to the ducat imperiall. But all their buyings are made by a ducat currant of one hundreth and twentie ſhillings. Ducat imperiall.

At Venice they account by pounds Flemiſh, of tenne ducats of twentie and foure groſſe, which they diuide in twentie ſhillings and twelue pence, alſo by the ducat of one hundreth twentie and foure ſhillings, called *Ducato di Banco*, or currant, and thereupon Exchanges are made. Ducat *di Banco*

At Florence they account by crownes of twentie ſhillings, and twelue pence to the ſhilling, or by a ducat called Largo, or *ſcripto in banco* for Exchanges. Florin is twentie and foure Quatrinij. Ducat Largo, or *Scripto in banco*.

At Genoa, all Accounts and Exchanges are made by crowns of ſixtie ſhillings, diuided by twentie ſhillings and twelue pence; and here are aboue fifteene Bankes or Exchangers. Crownes of 60 ſhillings.

At Verona the Exchange is made vpon the Ducat of ninetie three ſhillings, and they make their accounts by twentie ſhillings, and twelue pence to the ſhilling. Ducat of 93 ſhillings.

At Luca Exchanges are made for diuers places in Italie; and for Lyons vpon the ducat.

At Naples, they account by ducats, taries, and graines, the ducat ten carlini, tarie is two carlini or two royalls; and Exchanges are made hereupon for the moſt places of Italie. But for Lyons, they Exchange by number, as one hundreth twentie and fiue ducats for one hundreth crownes. Ducat of ten Carlini.

In Calabria, Puglia, Exchanges are made vpon the ſaid ducat of ten carlini.

At Ancona exchange is made vpon the ducat of twentie and one groſſe, which is *in ſpecie* twentie and three groſſe, and is alſo foureteen carlini, of ſix Bolſidini for a carline. Ducat of 21 groſſe.

At Bolognia they account by Piaſtra or pound of twentie Bolognesi: the Exchange is vpon the ducat of foure Piaſtri. Piaſtra or pound.

At Palermo in Siſilia the ducat is thirteene tarie, of two carlini the tarie.

The fiue royals of Spaine are ſixe tarie, they account by ounces of thirtie tarie to twentie graines, euerie tarie and euerie graine of ſixe piccolie, and their Exchanges are made vpon florines of ſix tarij. Ducat of thirteene tarie.

At Lyons in Fraunce, all their accounts by an edict made in the yeare 1577 are to be kept in French crownes of ſixtie ſoulz, or three pounds tournoys, and their Exchanges are made thereupon, vnleſſe it be for ſome places in Italie, where they exchange for number, to haue ſo many ducats for ſo many crowns of the ſumme, but not *in ſpecie*, which is altogether imaginarie, yet reſpecting value or *Par*. Crownes of Exchange.

At Paris, Roan, &c. their Accounts and Exchanges vpon the ſaid crowne.

Ducat of 375 Maluedies. In Spaine, at Seuill, Madrill, and other places, their accounts are all kept by Maluedies, wherof three hundred ſeuentie and fiue are eſteemed to make a ducat of exchange of eleuen ryalls, euerie ryall is thirtie and foure Maluedies, and ſo maketh but three hundreth ſeuentie and foure. Others keepe their accounts by ryalls of thirtie and foure Maluedyes in ryalls, as our Engliſh Merchants do, and their Exchanges are made vpon this imaginarie ducat of three hundreth ſeuentie and fiue Maluedies, to be payed in Banke, with fiue vpon the thouſand, which is the ſallarie of the Banker; or without the banke to be payed without the ſame.

Ducat *de Peſo* or *D'oro*. In Caſtile, their Exchanges are alſo made vpon the ducat of three hundreth ſeuentie and fiue Maluedies, which they call in the Bill of Exchange *Ducados d'oro*, or *de peſo*, to be paied out of the banke, is better by ſix or eight *pro milliar*.

Ducat of 12 Royalls. In the kingdome of Arragon, Barſelona, Valenſia, Saragoſſa, and Catalonia, the royall of plate is twentie and three dineros, and the ducat is twelue ryalls, whereupon they make their Exchanges: and their accounts are by twentie ſhillings and twelue pence for euery ducat of twelue royalls, as aforeſaid.

Ducat or Cruſat of 400 reas. At Lixborne they keepe their accounts by Mill Reas, whereof foure hundreth Reas make a ducat, *alias* Cruſado. Mill Reas is twentie and two royalls of ten teſtons, euerie teſton is one hundreth reas. There is alſo teſtons of foure vintains, the royall is two vintains, and the Exchange is made vpon the ducat of foure hundreth &c.

Sultanees of 120 aſpers. In Turkie at Aleppo, Tripoli, and Conſtantinople, by Sultanees of one hundreth and twentie aſpers, or dollers of eightie aſpers, euerie aſper is ten Macharines.

At Alexandria in Ægypt, they account by ducats. There is ducat

Ducat *de Pargo*. *de Pargo* making three ducats of Venice, alſo Italian ducats of thirtie and fiue maids, and the Venice ducat is better, and maketh fortie maids.

Marke Scots. At Edenborough in Scotland, Exchanges are made vpon the marke peece of ſiluer, which is valued in England at 13 $\frac{1}{3}$ pennie, being otherwiſe 13 $\frac{1}{3}$ pennie, or thirteene ſhillings foure pence Scots: So one marke and a halfe Scots is twentie ſhillings Scots, and twentie

Pound Scots. pence ſterling is one pound Scottiſh, which is twelue to one. The 18 peeces of twentie ſhillings, is by the ſaid Valuation twentie ſhillings three pence: and the Taker vp of the money at London, payeth for twelue pence the ſaid marke of 13 $\frac{1}{3}$ pence, at two or three moneths Time in Scotland, as they can agree.

Pound Iriſh. At Dublin in Ireland the fifteene ſhillings ſterling, is one pound Iriſh of twentie ſhillings; whereupon Exchanges are made, with allowance of ſixe pence or eight pence vpon euerie pound payable at London: and for want of a Mint no Bullion is imported thither, and Exchanges are diuerted into other parts.

At

At London all Exchanges are made vpon the pound ſterling of twentie ſhillings, and twelue pence to the ſhilling, for Germanie, the Low-countreys, and other places of trafficke: and for France vpon the French Crowne: for Italy, and Spaine, and other places vpon the Ducat, or for the Doller and Florin in ſome places, according to the Cuſtome of the place. Whereof more particularly is to be obſerued in the courſe of Exchanges. Pound ſterling

## CHAP. IIII.

### *Of the Times of Payment of Moneys by Exchange, and the Termes of Art vſed therein.*

THE diſcrepance of Time for the payment of moneys by Exchange, hath a regard to the diſtance of the place or places where the money is to bee payed: wherein we may conſider three kindes of diuerſities, called by the Termes of Art in matter of Exchange; at Sight, Vſance, and double Vſance, or treble.

The taking and deliuering money at Sight, bindeth the Taker vp of the moneys to giue his Bill of Exchange, directed vpon his friend Factor or Seruant in any place beyond the Seas, to pay vpon Sight of it, or within three, foure, or more dayes, ſo much money as hath been taken vp by him after ſuch a rate the Pound, Doller, Ducat or Crown, as is agreed vpon betweene them in forraine coyne, either according to the Valuation of monies, or currant money for merchandiſe, which is more ordinarie, becauſe Merchants will admit ſometimes to receiue ſome coynes at a higher rate than they are valued, vpon occaſion that ſome Species are required for tranſportation, or ſome other vſe to make paiments; which tolleration is by authoritie many times ſuffered to draw moneys vnto their places of juriſdiction. Heerein is to be noted, That if the Bill be made payable at ſo many dayes Sight, that the number of dayes muſt bee expreſſed in the Bill or Bills, for commonly there are made three Bills of one Tenor for euerie ſumme of money taken vp, becauſe if one Bill bee loſt, the other may ſerue in place. At Sight. Policie of Eſtates.

The ſecond Time of payment called Vſance, which is either the Time of one moneth, two or three moneths after the date of the Bill of At Vſance.

of Exchange, as hereafter is declared, according to the Custome of the places where these Exchanges doe runne: according to which Time the partie (vpon whom the Bill of Exchange is directed) is to pay the same, vnlesse there be good cause to the contrarie, as shall appeare hereafter.

Double Vsance, and treble Vsance.

The third Time of paiment, called double Vsance, is either two or more moneths, or alwayes double the Time of the Vsance, respecting by Custome the course thereof: and many times Exchanges are made vpon the halfe Vsance, which is fifteene dayes. But considering the wind and other hinderances, it is better to limit the dayes after Sight in the Bill of Exchange, and to send the same by Sea and Land with a Letter of Aduice, which the Taker of money commonly doth deliuer with the Bill of Exchange, whereunto the Bill maketh also relation, and treble Vsance is accordingly.

Payments in Faires or Marts.

There is another Time for the paiment of Exchanges, where great payments are made, as in Faires or Marts, as at Madrill and *Medina del Campo*, by three Ferias in the yeare; at Lyons by foure payments yearely, and at Frankford twice euerie yeare, &c.

The difference of the times of payment, doe alter the price of Exchanges according to the Time, commonly after twelue, fifteene, or twentie in the hundreth by the yeare: So betweene the pound sterling Exchanged for the Low-countries at Sight and Vsance, is betweene foure and fiue pence, and double Vsance and Vsance, sixe or seuen pence, which ordinarily was accounted to bee but foure pence after 10 *pro* 100. But for the Faires and Marts it is verie vncertaine, because the payments are all at one Time, and the neerer the Faires

Consideration in Exchanges.

are at hand, the more shall the Taker vp of the money saue by paying lesse interest, because he hath not had the vse of the money from the beginning that Exchanges were made for the Faires, which in questionable matters is verie considerable.

Vsance from London to and from Middleborough, Amsterdam, Antuerpe, Bridges, and other places in the Low-countreys, is one moneths Time from the date of the Bill of Exchange; and double Vsance is two moneths.

Vsance for Hamborough is two moneths, and for Venice three moneths.

Vsance from Antuerp to Rome, is two moneths; and from Lyons to Rome one moneth.

Vsance from Antuerp to Venice is two moneths, to bee payed in Banke.

Vsance at Florence is two moneths; and from Florence to London three moneths.

Vsance from Genoa to Rome and Naples, is ten dayes Sight; and for Palermo and Antuerp is two moneths by ordinarie obseruation, and so is Luca.

From Naples to Antuerp is two monethes; and the like for Palermo.

Vſance for Roan and Paris is one moneth, but commonly at three weekes Sight.

From Antuerp and London to Seuill is two moneths.

Caſtile payments are in three Bankes, and *Ferias de Villalon, Medina del Campo* and *Medina del Rio Sicco*; but many times prolonged by the King of Spaine.

Vſance from Lixborne to London and Antuerp is two moneths, which Merchants are to know, becauſe the Bills of Exchanges doe not declare the ſame.

## CHAP. V.

### *Of the Nature of Bills of Exchanges.*

THE Nature of a Bill of Exchange, is ſo noble and excelling all other dealings betweene Merchants, that the proceedings therein are extraordinarie and ſingular, and not ſubiect to any preſcription by Law or otherwiſe; but meerely ſubſiſting of a reuerend Cuſtome vſed and ſolemnized concerning the ſame. For the better declaration whereof, let vs ſet downe the forme of a Bill of Exchange from London to Amſterdam, and from Amſterdam to London againe, *viz.*

*Laus Deo*, *Adi* 20 Auguſt 1622, in London——500 ℔, 34 ß 6 *d.*

*AT Vſance pay by this my firſt Bill of Exchange vnto* A. B. *the ſumme of fiue hundreth pounds ſterling, at thirtie foure ſhillings and ſixe pence Flemiſh, for euerie pound ſterling Currant money in merchandiſe, for the value hereof receiued by me of* C. D. *and put it to account, as* per *aduice*, A Dio, &c.

G. M.

On the Backeſide is endorſed: *To my louing friend, Maſter* W. C. *Merchant at Amſterdam*, P$^{a}$.

This is the forme of a Bill of Exchange for moneys deliuered and taken vp at London for Amſterdam: the ſecond Bill doth differ in the addition of theſe words onely, At Venice not hauing payed by my

my first Bill, pay by this my second Bill, and so in the third Bill: For there are commonly three Bils made, as aforesaid.

*Laus Deo*, *Adj* 20 of September 1622 in Amsterdam —— 100 ℔ at 33 ß 6 d.

*AT Vsance pay this my first Bill of Exchange vnto* W. M. *the summe of one hundreth pounds lawfull money of England; for the value here by me receiued of* D. H. *make him good payment and put it to your account: God keepe you.*

Subscribed. W.C.

On the Backeside is endorsed: *To my louing friend, Master* G. M. *Merchant at London*, P^a.

1 This is the forme of a Bill of Exchange for moneys, taken vp at Amsterdam to be payed in London, wherein the Time of payment may bee made at Sight, or so many dayes after Sight, or at double Vsance, according to the agreement: or the Bill may bee directed to my seruant, or to himselfe or any other: or it may say, Put it to the account of such a man. But the best is to referre it to the Letter of Aduice, and where the first Bill is noted P^a. the second must be 2^a. and the third 3^a.

You may not say in the Bill, It may please you to pay, or I pray you to pay (although it were to your Master;) for the Bill (of his high Nature) doth carrie with it a Command without respect of persons, and most men will not vse the words (*Make him good Payment*) but the fewer words the more formall; neither is there any witnesse vnto it, nor any seale, but a small peece of paper of some two fingers broad: and the Letter of Aduice doth declare for whose account, or to what intent or purpose the said money is taken vp; which Letter of Aduice, doth accompanie the Bill of Exchange with the like inscription, with the words *De aduiso.*

Also for moneys here deliuered (where the ground of Exchange is of the twentie shillings whereupon the Exchange is made) you may not expresse what the sterling money maketh in Flemish money; not so much for that by miscasting you might make your selfe lyable, as for that it is not mannerly to cast vp another mans account: neither may you make a Bill of Exchange payable to the bearer or bringer thereof (as you make your Bills Obligatorie beyond the Seas) to auoid the inconuenience which might happen in derogation of the nobleness of the said Bill of Exchange, which euerie Merchant is to maintaine. All other Billes of Exchanges for Germanie, Spaine, Italy, France, the Low-countreys, Portugall, or any other places betweene them, to and from place to place, doe not differ in the forme, but in the manner of the moneys to be payed in Banke, or out of the Banke, or in such a Faire or Mart, at such times and in such moneys according to the Countreys.

Although now vsed, or abused.

2 The

2 The Bankers and diuers Italians haue a cuſtome, that for the moneys taken by them, or for their companie, or any other, one of their ſeruants doth make the Bills of Exchange, and he ſubſcribeth the name of him, or of the Companie for whom it was taken vp: and the maſter he doth write vnder the ſaid Bill *Pagate come ſi dice*, that is to ſay, Pay as it is ſaid; and this goeth as currant amongſt Merchants as any other Bill made by the parties owne hand, and all proceedings thereupon are done accordingly. Rare cuſtomes in Bills of Exchanges.

3 They haue alſo an ordinarie cuſtome to transferre and put ouer their Bills of Exchanges before they are made, vnto any other perſon, as for example.

One in Antuerpe doth deliuer by Exchange fiue hundreth pounds ſterling, to be paied here in London vnto another Merchant there, who is to make him a Bill of Exchange for the ſame: afterwards within two or three daies this deliuerer of money hath occaſion to take vp fiue hundreth pounds for London, and hauing taken the ſame of another Merchant, he is to make him alſo a Bill of Exchange for this money, as the other Merchant was to make him for the fiue hundreth pounds which he did deliuer him by Exchange for London, as aforeſaid. Hereupon he knowing the name of the partie in London to whom the other mans money was to be made payable, cauſed the Bill of Exchange to be made payable to the ſaid partie, as he ſhould haue done with his owne proper Bill of Exchange, and whereas the value ſhould be mentioned to be receiued of the ſecond man, that did deliuer him the money, he cauſeth both of them to be named in the Bill, and ſometimes three or foure are named in the ſaid Bill (if it be ſo often rechanged) by ſaying, For the value receiued of ſuch a man for ſuch a man and ſuch a man, vpon the account of ſuch a man. This is good at all aſſaies, for the reuerence which is borne to Bills of Exchanges, and by theſe meanes there is charges and factoridge ſaued between the parties: beſides the commodiouſneſſe, that one man doth writ and ſend this Bill of Exchange for all thoſe that did change and rechange there the ſaid money, which is not done all in one ſumme, and with one Bill of Exchange; but the ſumme may be made vp by many Bills of Exchange payable all to that man, although it be by diuers perſons: ſuch and the like courſes are dayly vſed and practiſed beyond the ſeas without interruption in matter of Exchange, which may ſeeme to be intricate.

This courſe of dealing is altogether ſtrange to the common laws of England, and cannot be determined thereby. For whereas (with the aduice of Merchants) ſome matters vpon Bills of Exchanges haue beene tried vpon an Action of Aſſumpſit, here is neither conſideration nor Aſſumpſit to be proued, vnleſſe the Bill had beene accepted, wherein are many obſeruations.

To make this more apparant therefore, let vs illuſtrate this by example. *Peter* deliuereth fiue hundreth pounds to *Iohn*, who is to giue the Bill of Exchange for it; *Peter* taketh vp fiue hundreth pounds of

*William*

*William*, and may giue him the ſaid Bill of *Iohn* for it; *William* taketh vp fiue hundreth pounds of *Nicholas*, and may deliuer *Iohn* and *Peters* Bill for it; *Nicholas* taketh vp fiue hundreth pounds of *Francis*, & doth giue him the Bill of *Iohn*, making mention of *Peter* and *William*. Here are foure takers vp of money, and but effectually one deliuerer of money, which is *Francis*: for albeit that *Peter* was the firſt deliuerer of the fiue hundreth pounds, he became a taker againe of the ſaid money, receiuing the ſame of *William*; ſo that *gradatim*, *Iohn* is the firſt taker vp of the ſaid fiue hundreth pounds, *Peter* is the ſecond taker vp, *William* is the third taker vp, and *Nicholas* is the fourth taker vp of the ſaid fiue hundreth pounds of *Francis*. To this *Francis* is the Bill of Exchange giuen, payable to his friend, factor, or ſeruant in the place for which the money was taken vp. But the ſaid Bill is made by *Iohn* the firſt taker vp of the ſaid money, declaring that the value of it was receiued of *Peter* for *William* and for *Nicholas* vpon the account of *Francis*, which is the laſt deliuerer of the money: which Bill being payed, all the parties in this Exchange are ſatisfied and paied; and this is done with great facilitie.

4 There is alſo a cuſtome, that moneys are taken by Exchange for a certaine place, by men who are not generally knowne, and therefore muſt vſe the credit of another man, as a third perſon in the Exchange. If this man do ſubſcribe his name to the third or ſecond Bill of Exchange, it is ſufficient, and will be duely performed accordingly.

5 It is alſo ordinarie, that a maſter to draw money from his ſeruant into his owne hands, or a merchant in the like caſe from his factor, will make a Bill of Exchange payable to ſome other perſon, and ſay in the Bill of Exchange, For the value receiued of ſuch a one, naming a friend of his, as he taketh the ſaid perſon to be; if the ſeruant or factor do accept this Bill, he will be made to pay it; and if this perſon whoſe name hath beene vſed will deale vniuſtly, the maſter or merchant ſhall be remedileſſe, vnleſſe he haue ſome collaterall writing for the ſame, becauſe the Bill of Exchange muſt be maintained.

6 Againe if a knowne ſeruant do take vp moneys beyond the ſeas, vpon his maſter, and giue his Bill of Exchange for it vpon the ſaid maſter, the maſter is liable to pay the ſame, although he did not accept the Bill of Exchange; for it is vnderſtood, that by his credit (and not by the ſeruants credit) the money hath beene taken vp; ſo that vntill he make a publicke declaration, denouncing his ſeruant to the Brokers of Exchanges and otherwiſe, the maſter is to pay all by the Cuſtome of Merchants to be kept inuiolable.

7 There is alſo a cuſtome, that a maſter vnto his ſeruant, or one friend vnto another, will ſend Bills of Exchanges, with the names in blanke, from one countrie into another, as from Hamborough to Embden, or from Antuerpe to Amſterdam, and from thence to Danſicke: and at Amſterdam the names are put in to whom to be paied,

payed, and of whom receiued; and this dependeth vpon the credit of him that made the Bill of Exchange, and this is alſo accompliſhed verie orderly.

8 Againe a Merchant may take by Exchange (in another mans name, or in his owne name and another mans name together) money to be paied in any place where Exchange is vſed, and ſubſcribe his name, and that mans name, or that mans name alone: and this man (whoſe name is vſed) is liable and anſwerable to the ſaid Exchange, if it be proued that it was done, or the like vſed to be done by that other partie with his conſent or priuitie, for to auoid inconueniences in the courſe of Exchanges.

9 Nay this goeth yet further to be conſidered of in equitie and ſo adiudged, that if a man do take vp money for any place by Exchange *poſito*, from London to Middleborough, and there the money is payed, and taken vp againe by Exchange for Antuerpe, and there it is alſo paied by money taken vp for Amſterdam, and at Amſterdam it is paied, for the ſaid money was taken vp there againe for Middleborough, and at Middleborough it was againe returned and taken vp for London in one or more ſummes running in account betweene all theſe parties dealing therein; but here at London it is not paied, but goeth backe againe to Middleborough by Proteſt, and there the taker vp of it becommeth inſoluent. Now if it be proued that thoſe moneys were originally taken vp in London by the credit of that firſt taker, which hath beene a principall cauſe of the continuance of it by Exchange, this man of London is to be charged with it as well as the taker vp of the moneys beyond the ſeas.

Thus may we ſee how tender and noble a Bill of Exchange is of nature, which by the proceeding thereupon will be made more apparant.

(***)

## Chap. VI.

### *Of the Non-acceptation of Bills of Exchanges, and Customes obserued concerning the same.*

THis high nature of a Bill of Exchange, requireth such preciseneſſe of proceedings to ſee the performance thereof, that euerie man ought to be verie vigilant to obſerue the ſame: and therefore as ſoone as a Merchant receiueth a Bill of Exchange, whether it be payable at Sight, Vſance, or double Vſance, he is to preſent the ſaid Bill of Exchange to the partie vpon whom it is directed, to know whether he will accept the ſame, which if he do, or promiſe (by writing vnder it the word Accepted, or with the addition of his name, Accepted by me *A. B.*) then the partie is to pay it at the time contained in the Bill: but if the ſaid partie be not reſolued to accept the ſame, then after twentie and foure houres paſt, it is conuenient to preſent him the ſaid Bill with a Notarie to make intimation of it vnto him, and to know whether he will accept the ſame, as you did before: if he denie to accept it, then the Notarie doth Proteſt againſt him in words, that the Merchant doth intend to recouer all dammages which he, or the deliuerer of the money beyond the ſeas, or himſelfe for others might or ſhall ſuſtaine thereby, whereunto the partie needeth not to make any replie: but if he doe, and withall deſire the Notarie to declare the ſame in the Notariall Act or Proteſt which he maketh for the Non-acceptation; then the Notarie is to put it down in writing accordingly, and to deliuer the ſame to the Merchant to be ſent beyond the ſeas with all expedition, becauſe the deliuerer of the money there may take notice of it, and ſecure himſelfe of the partie, if there be cauſe, and in the ſending of this Proteſt of Intimation. The opportunitie of the firſt Poſt is to be obſerued to ſend the ſame by.

First obſeruation.

If the Merchant to whom the Bill is payable were abſent, or ſicke, or departed this life; neuertheleſſe any friend or ſeruant of his may cauſe this Proteſt to be made by the Notarie, who doth declare the name of him at whoſe requeſt he doth preſent the ſaid Bill of Exchange.

Second obſeruation.

If

If the partie vnto whom the Bill of Exchange is directed bee absent or will not be found, the Notarie may proceed neuertheleſſe, and goe to his lodging or dwelling houſe, and leaue afterwardes the copie of the Proteſt with ſome of the houſe, or throw the ſame within doores, and keepe a note of it againſt the next time. But theſe Proteſts muſt be made at conuenient houres, neither too early in the morning or too late in the euening, neither vpon Sabbath dayes or Holy dayes, but (as it were) *Sedente Curia*, when any Courts of Iuſtice bee open. Third obſeruation.

Before the time of the payment of the ſaid Bill, the partie may notwithſtanding accept the ſaid Bill and pay it at the time; or another man may accept the Bill for the Honor of it, if you take that other man to be ſufficient; wherein the danger is nothing, for all others remaine ſtill anſwerable, and you haue one man more bound by the ſaid his acceptation: which hee doth in theſe words, *Accepted by mee* A. B. *for the Honor of the Bill.* Fourth obſeruation.

If this man at the time, doth pay the ſaid Bill of Exchange, becauſe the partie vpon whom it was directed doth not; yet hee is to make firſt before hee doe pay the ſame a Proteſt, with a declaration that hee hath payed the ſame for the Honor of the Bill of Exchange, whereby to receiue the money againe of him that had made the Bill of Exchange. Fifth obſeruation.

If a Bill of Exchange be accepted, and neuertheleſſe not payed, or that it be not accepted, as aforeſaid, and remaineth vnpayed: then muſt you cauſe the Notarie to make a ſecond Proteſt for the non payment of it, and therein declare that you pretend to recouer all damages, charges, and intereſts againſt the maker of the Bill, or any other intereſt in the ſaid Exchange and Rechange, which muſt be declared in the ſaid Proteſt by a ſworne Broker of Exchanges, who giueth notice of the price of Exchange to the Notarie; and if there be cauſe or hope of payment, you may keepe this Proteſt two or three dayes in your hands without danger, or elſe ſend it away to bee recouered beyond the Seas of him that made the Bill of Exchange and tooke vp the money there. Sixth obſeruation.

But if this Bill were accepted here, then is it lawfull to demaund payment of it by Law or otherwiſe, both here and beyond the Seas at your pleaſure vntill the Bill be ſatisfied; neither may the partie that made the Bill leaue it vnpaid (without diſcredit) vntill hee that hath accepted the ſame doe pay it or bee compelled thereunto by Law; for there muſt bee plaine and honeſt dealing in it both wayes: and if the partie that did accept the Bill, doe afterwardes breake before the time of payment, the giuer of the Bill, or any other whoſe credit hath beene vſed therein are ſtill anſwerable for all. Seuenth obſeruation.

There muſt be great regard had of the Letter of Aduice, and the Bill of Exchange, and for what account the ſame is to bee payed before you accept the ſame: For if a Bill ſhall ſay, Put it to the account Eighth obſeruation.

count of ſuch a man, and the Letter of Aduice vpon ſome occaſion ſhall alter the ſame ; you cannot ſafely pay this Bill of Exchange, but muſt declare the ſame by way of Proteſts, otherwiſe the Bill of Exchange may bee conſtrued againſt you, if there bee differences in account, whereupon the matter may come in queſtion.

Ninth obſeruation. Againe, if a man doe accept a Bill of Exchange within himſelfe, as being made payable to himſelfe, and hee doth it vpon another ( than either the Bill of Exchange or the Letter of Aduice doth ſignifie ) hee muſt alſo make a Proteſt declaring the ſame, or hee ſhall pay it in his owne wrong by the Cuſtome of Merchants.

Tenth obſeruation. If a man doe pay a Bill of Exchange before it bee due, vnto one that doth breake afterwardes, hee ſhall bee compelled to pay the ſame againe vnto the deliuerer of the money, in whoſe power it is to diuert the payment, or to cauſe the Bill to bee altered and made payable to another during all the time of the payment.

Eleuenth obſeruation. If a Bill of Exchange be intercepted by any meanes, and taken from the Poſt that ſhould haue brought the ſame, and the partie to whom the Bill is payable hauing aduice of it by other Letters, doth come to him vpon whom the ſaid Bill was directed, and deſireth his promiſe of acceptation, without that the Bill is ſhewed him, and afterwards doth pay him the ſame accordingly, without taking any Bill of Exchange for it ; this payment is not good nor lawfull by the Cuſtome of Merchants, and the deliuerer of the money beyond the Seas will recouer it of you againe.

Twelfth obſeruation. If Proteſt of non payment be made of a Bill of Exchange, which hath beene ſet ouer or transferred to many perſons, as in the caſe before declared, where *Francis* was the laſt deliuerer : then all the parties interreſſed in that Exchange are anſwerable for it, inſomuch that *Peter* who was the firſt deliuerer of the money, and afterwardes became a taker, doth beare aduenture of all vntill the Bill bee payed, and ſo doe all the other takers named in the Bill. Aas for example, *Francis* the partie who tooke this Bill, as being deliuerer of it at laſt muſt goe a retrograde courſe heerein, if *Iohn* who made the Bill and was the firſt taker vp doe not pay the ſame : *Francis* then ſeeketh *Nicholas*, *Nicholas* ſeeketh *William*, *William* ſeeketh *Peter*, and *Peter* ſeeketh *Iohn*, the firſt taker of the money of him. Suppoſe *Iohn* is broken, then hee goeth to *Peter* ; If *Peter* broken, then to *William* ; if *William* broken, then to *Nicholas* ; if *Nicholas* broken, then all is loſt. So that all of them are anſwerable to this Bill, as abouesaid.

Theſe twelue obſeruations, are to be kept and maintained by the Cuſtome of Merchants, concerning Bills of Exchanges, as carefully and ſeriouſly as the Romanes did their Law of twelue Tables ſo much celebrated by them.

There

There happened of late a caſe worthy the conſideration for matter of Exchange: A Merchant of Antuerp being indebted vnto another Merchant there, did deliuer ſeuerall Bills of Exchanges for the ſumme of 800 ℔ vpon a Merchant in London, who did accept all the ſaid Bils of Exchanges, which were payable at Vſance and double Vſance; after this the Merchant that gaue the ſaid Bills in Antuerp to the other Merchant, did breake: heereupon the Merchant at London (repenting himſelfe to haue accepted the ſaid Bills) maketh Intimation by a Notarie to the parties to whom the Bills were paiable, that hee did not intend to pay the ſaid Bills, becauſe the partie broken in Antuerp had not receiued the value of the money of the other Merchant there; although the Bills of Exchanges did acknowledge the receit, for the Bills were giuen vpon accounts betweene them, which were to be made vp, and hee was not to cleere their accounts, and the partie broken did owe vnto him farre greater ſummes. The parties at London anſwered the Notarie, that they looked to bee payed according to the acceptation of the Bills of Exchanges, and for other matters they had nothing to doe therewith. *Interim*, the partie at London who had accepted the Bills dyed, and ſo all the Bills returned Proteſted, and the matter reſted vndetermined: but the opinion of other Merchants and my owne is, That the acceptor of the Bills was to pay them, and his heires and executors are lyable thereunto, vnleſſe there were found an apparant combination and practiſe in it betweene the two Merchants of Antuerp, as was by many ſuſpected. Thus much concerning the obſeruations of Exchanges.

A caſe about Bills of Exchanges which were accepted.

## CHAP. VII.

### *Of Notaries, Intimations, and Proteſts.*

THE Intimations of Notaries well and orderly made, may be called to be true Probation of the Originalls in the Courts of Law and Equitie, whereby the better foundation may bee laid in all litigious cauſes, which take their feeling beginning of a wrong done, whereof Intimations are a manifeſtation, and Proteſts (as being more ſenſible) are meanes of the redreſſe thereof: both theſe haue a tripartite reference in the courſe of trafficke to Commodities, Money, and Exchange of Money by Bills of Exchanges,

The time of Intimations and Proteſts.

ges, according to which wee are to make our declaration, obſeruing firſt and formoſt that the time to make the ſaid Intimations and Proteſts muſt bee obſerued, both for dayes and houres, as hath beene noted; for the houres conuenient, are when the actions of men are publikely done in the day time, neither too early nor too late, but (as it were) at ſuch time as matters are ordinarily heard in judiciall Courts, wherein the Sabbath dayes and Holy-dayes are excepted, which they are likewiſe to obſerue.

Commodities to be deliuered by a day.

For commodities bought or ſold, to be deliuered at or before ſuch a day, it is not ſufficient to make Intimation and to tender the commodities before the day; but it muſt alſo bee done vpon the laſt day, and to take witneſſe of it: and if the commodities be not of the goodneſſe that they ought to be by the contract or bargaine made, and neuertheleſſe for ſome cauſes you doe not hold conuenient to refuſe them; let there be made a Notariall Inſtrument or Act concerning the defectiueneſſe of the commodities, with a proteſtation of your intention to recouer all your damages and loſſes ſuſtained or like to be ſuſtained thereby, which will be verie auailable vnto you vpon all occaſions. This is much obſerued beyond the Seas, eſpecially vpon the ladings of Ships which are to take in the ſame, or elſe may incurre a further danger vnto the Charter-partie of fraightment. And whereas the maſter of the ſhip will make a Proteſt againſt you, if his lading be not readie at the day appointed or agreed vpon, ſo is it reaſonable, that you make the like Proteſt againſt the partie that ſold you the commoditie to be deliuered at ſuch a day: and if it doe fall out that you haue committed the like fault, and thereupon a Proteſt is made againſt you, and the Notarie will craue your anſwere, to be recorded, that thereupon at conuenient time ſome aduantage may be taken againſt you, (the not anſwering being taken to be diſcourteous or bruitiſh) the ordinarie anſwere is, *Video & taceo*, or, I do heare and ſee; which words the Notarie doth inſert in his Act, Intimation, or Proteſt.

Moneys payable by Bonds or Specialties.

If Intimations, Proteſts, or Witneſſes bee made concerning the receit and payments of moneys vpon Bonds, or other euidences limited to a day, you are then to obſerue the laſt houre of the day and to tender, or to attend for moneys to bee payed or to be receiued vntill Sunne ſet, at the place where the ſame is to be paied, and commonly ſtay there one houre after Sunne ſet with witneſſes: and if the houſe, lodging, or place be ſhut vp, make your tender or demaund vpon the threſhold of the doore, but the money muſt be told euen, and then put vp again into the bags, and to take notice and witneſſes of it, vnder their hand writing of the day and houre when the money was tendred; or on the other ſide when it was demanded. But this laſt is in caſe when moneys are made paiable vpon reaſonable demand. For albeit that moneys ſimply acknowledged to bee owing by Bill or Bond, without limitation of time for the payment, are taken to bee due *ipſo facto*, that is as ſoone

Money paiable vpon reaſonable demand.

as

as you did vnderwrite the ſaid Bill or Bond: yet ciuilitie requireth a kind of Intimation and demaund, which is the reaſon that by the Ciuile Law, although a Bill haue a time limited for the payment, yet if the ſame be thirtie yeares old, and hath beene neuer demaunded, it is void of courſe, and cannot be recouered by that law. And Bills made vpon reaſonable demaund, if they be not demanded in ſeuen yeares, which is accounted for the life of man, it is void alſo; for there muſt be a determinate courſe in all things, or a continuance by way of reuiuer: therefore lands holden in quiet poſſeſſion for the ſpace of ſixtie yeares, is a perpetuall inheritance by the ſaid Law.

Moneys taken which were payable vpon a forfeiture.

If moneys payable vpon the forfeiture of a bond, haue beene taken, or robbed vpon the high way, or otherwiſe, whereby the bond could not be paied vpon the day, yet is it neceſſarie to make Intimation of it, at the place where the ſame was to be paied, to auoid all ſuch aduantages as may be taken thereupon, vpon the redemption of Lands or Leaſes, Iewels, or any other commodities, wherein the Courts of Equitie will relieue a man hereupon the ſooner; for it is a demonſtration of a good will and intention preuented by ſuch a miſchieuous accident;

*Et ſi deſint vires, tamen eſt laudanda voluntas.*

For non-acceptation of a Bill of Exchange.

Concerning Intimations and Proteſts to be made vpon Bills of Exchanges, for the non-acceptation of payment; it is to be noted, that the firſt Proteſt which is in the nature of Intimation, requireth more celeritie than the other: and albeit, that by cuſtome the partie who is to accept the ſame hath twentie and foure houres reſpite to deliberate before he giueth his anſwere, neuertheleſſe it is not good to loſe any time in the making of the Proteſt of acceptation. For if there be no pregnant cauſe, the Proteſt may be left in the hands of the Notarie for a while; but your diligence cannot be diſcommended.

For non-payment of a Bill of Exchange.

This Proteſt being made, and afterwards the Bill of Exchange becommeth due, the Notarie is the fitteſt man to demaund the payment, or to Proteſt, vnleſſe the partie vpon whom the ſame is directed, do giue notice that he will pay the ſame, which done there is an end.

The maner of payment of a Proceſſed Bill.

If a Bill of Exchange (by contrarie wind, or other occaſions) be ſo long vpon the way, that the Vſance, or the time limited by the Bill be expired, and being preſented to the partie for the payment, he will not pay the ſame, then the Notarie doth make the Proteſt, both for the non-acceptation, and for the non-payment, reciting the Bill of Exchange *verbatim*. And moreouer he calleth vnto him ſome ſworne Broker of Exchange, to know how the price of Exchange runneth at Vſance for the place where the money was taken vp, and he maketh of it a declaration in the Proteſt, according vnto which, it muſt

be

be anſwered beyond the ſeas, with Change, Rechange, Brokeridge, and all Charges, which muſt be paied according vnto Vſance from London to the place aforeſaid. As for example, Suppoſe the ſumme were one hundreth pounds ſterling, taken vp at Amſterdam for London, payable at Vſance, which is one moneths time, at thirtie three ſhillings and eight Flemiſh money for one pound ſterling; for which was receiued at Amſterdam, in that money, one hundreth ſixtie and eight pounds, ſix ſhillings, and eight pence. The Bill not being paied heere, and the price of Exchange being certified by the Broker and the Notaries Proteſt, to be at thirtie foure ſhillings ſix pence from London to Amſterdam: Hereupon the account is caſt vp at Amſterdam accordingly, which commeth to one hundreth ſcuentie and two pounds and ten ſhillings. Adde hereunto Brokeridge, and port of Letters here and at Amſterdam, and ſometimes Factoridge, which is together one in the hundreth, which amounteth to thirtie and foure ſhillings; ſo he receiueth at Amſterdam one hundreth ſeuentie foure pounds and foure ſhillings for the payment of this Proteſted Bill, which is fiue pound ſeuenteene ſhillings foure pence more than hee had diſburſed, which he payeth for the vſe of the money for two moneths, and ſo for other Bills &c.

## CHAP. VIII.

### *Of Reciprocall and double Exchanges.*

Reciprocall Exchange.

THe like cuſtoms are obſerued in all Reciprocal and Double Exchanges, made betweene Merchants for ſeueral places, without diſburſing of any money on either ſide where the ſaid Exchanges are made, but being meerely depending vpon the paiments to be made in forreine parts.

Poſitiue price of Exchange.

Theſe Exchanges are either Poſitiue between the parties, or Accidentall. The Poſitiue Exchanges haue a certaine price agreed vpon betweene both parties, Reciprocally Exchanging one with another: As for example, *A.B.* of London hath a continuall trade of Hamſhire Kerſies for Venice by the way of Germanie, and maketh his returne altogether by Exchange: *C.D.* of London alſo hath on the other ſide a continuall trade for Redding and Kentiſh colour Clothes for Antuerpe, where hauing made money

ney of his clothes, he cauſeth the ſame to be made ouer by Exchange for Venice, to be imployed there in Organſine ſilke, or other commodities to be ſent for London. Theſe two Merchants (conſidering each others trade, and the aduenture of deliuering their moneys by Exchange to others beyond the ſeas, wherein they muſt truſt their Factors or Seruants, or they muſt take vp the moneys by Exchange themſelues with ſome diſaduantage) do make an agreement and contract of Exchange betwene them, That *A. B.* ſhall cauſe from time to time for and during the terme of one yeare (all the moneys which he ſhall haue at Venice) to be deliuered to the Factor of *C. D.* at Venice: and the ſaid *C. D.* ſhall cauſe in like manner all the moneys which he hath at Antuerpe to be deliuered to the Factor of *A. B.* at Antuerpe, who maketh ouer this money vnto him by Exchange, either directly for London, or for ſome other place, as Amſterdam or Hamborough, and ſo from thence for London, according as he obſerueth the courſe of Exchange to be moſt beneficiall for himſelfe; or as the Factor (if he be judicious) ſhall obſerue the ſame for him. By this agreement or contract, the ſaid two Merchants do agree and conclude betweene them a ſet or Poſitiue price of Exchange, as well for Venice, as for Antuerpe, whereby the ducat of Venice ſhall be rated at ſo many pence Flemiſh for the money which is receiued at Antuerp, or the pound Flemiſh may be valued in ſterling money after a rate, and the ducat of Venice likewiſe. And hereupon they do cleere their accounts betweene them once a yeare accordingly, which ſometimes is done with allowance of intereſt for the diſcrepance of time, if it be without Bills of Exchanges, and done only by Letters of Aduice, or Acquittances of receipts to reckon by, which is more vſuall in theſe Poſitiue Exchanges, where the price is agreed vpon in certaintie for ſuch a time.

Obſeruation of the courſe of Exchange for the moſt profit.

The Accidentall Reciprocall Exchanges on the contrarie are vncertaine in their price, and alter from time to time as the courſe of Exchange runneth: As for example, *A. B.* calleth vnto him a Broker of Exchanges, and telleth him, that he hath occaſion to take vpo one thouſand ducats for Venice, and that he is to make ouer the ſaid money for Antuerpe, and will know the price for both places: the Broker anſwereth, that he will effect the ſame, and that the price of Venice is fiftie and ſix pence for the ducat, and for Antuerpe thirtie and three ſhillings Flemiſh for the pound ſterling: and preſently after he commeth to *A. B.* the Merchant againe, and telleth him, that *C. D.* the Merchant is contented to deliuer him the thouſand ducats for Venice, and to take vp the ſame for him againe for Antuerpe either at the ſame prices, or thereabouts. Theſe thouſand ducats at fiftie ſix pence do amount to two hundreth thirtie and three pounds ſix ſhillings and eight pence ſterling, for which *C. D.* giueth Bills of Exchanges for Antuerpe to be paied there at Vſance, which is one moneths time from the date of the Bills after the rate of thirtie three ſhillings Flemiſh for twenty ſhillings, or one pound ſterling: and *A. B.* giueth

Accidentall Exchanges in price.

giueth his Bills of Exchanges Reciprocally to *C.D.* for the thousand ducats to be paied at Venice at Vsance, which is three moneths after the date of the said Bills: and here is no money paied on either side at London, and yet the Bills of Exchanges say the vsuall words (for the value receiued of each other) according to their agreement, and both parties send their Bills of Exchanges for the aforesaid places. Not long after, it falleth out, that the Bill of Exchange that *C.D.* gaue for Antuerpe commeth backe againe by Protest for the non-acceptation, and not long after that, another Protest for the non-payment of the said Bill. Hereupon *A.B.* commeth or sendeth to *C.D.* for to haue satisfaction for this Bill of Exchange deliuered him for Antuerpe, and *C.D.* giueth him full satisfaction of it, with the rechange and charges according to the said customes, if he be a substantiall man of credit and reputation: for although the said *C.D.* was the first deliuerer of the money vnto *A.B.* by the thousand ducats for Venice, and might alleage that hee receiued no money of him, but a Bill of Exchange for Venice, whereof hee had no aduice whether it were accepted or not; yet such is the precise and commendable Custome vsed in Exchanges, that hee may not stand vpon any euasions or allegations, which might interrupt the said course without manifest discredit vnto him, vnlesse there were cause of doubt that the Bills of Exchanges of *A.B.* should not bee accomplished at Venice; neither may *A.B.* (without discredit) countermand the payment of the thousand Ducats at Venice, vnlesse there were iust cause to call the credit of *C.D.* in question. For the manner of these Exchanges are vsuall in all the places of great Exchanges, as Lyons, Bizanson, Madrill and Venice, where the most standing Bankes are, and where they doe get money ingeniously by the calculation vpon their payments at the Faires or Markets, by intermissiue times either twice or thrice within the yeare; in regard whereof, and to auoid this obseruation in that strictnesse, they haue vsed to say in their Bills of Exchanges, *Per la Valuta Cambiata*, for the value exchanged with such a one, and not for the value receiued as aforesaid, because they make their paiments (as it were) all at one time, which is otherwise in those places where no Bankes are kept, or may be also in some of these places if the money be payable without the Banke, as we haue noted before.

The value of money exchanged.

Many Merchants trafficking onely in Exchanges become good obseruers, and as ingenious as the Bankers themselues, according to the Adage *Fabricando fabri fimus*, whereby they know the variation of their Compasse, and the points to direct their course by, obseruing the Accidentall causes of great payments of moneys to be made in some places, and of imployment to be made vpon commodities in some other places, or the scarcitie of money for some places, and the plentie for other places, or the generalitie of both, calling it as the Spaniards say *La placa esta larga lo estrecha*, The exchange or place is streight or plentious; so that those Merchants (running with the streame)

ſtreame) can make their Exchanges beneficiall vnto themſelues, and that without Stocke or Capitall of their owne; but meerely by taking vp money for one place, and deliuering the ſame for another place, at an vndervalue in the price of Exchange: ſending many times the moneys *in ſpecie*, which haue beene taken vp by Exchange, when the ſame doth yeeld more than the price at which they tooke vp the ſame; as in our precedent Treatiſe hath beene declared more amplie.

This orderly courſe of payment or ſatisfaction to be made for Bills of Exchanges, doth admit no reſcounter or ſtoppage, but voluntarie, that is to ſay, If I owe you one hundreth pounds by a Bill of Exchange by mee accepted, and within three or foure dayes you ſhall owe mee the like hundreth pounds for another Bill of Exchange by you accepted; I cannot reſcounter theſe payments to anſwere each other, vnleſſe you condeſcend thereunto, although the money were due to be payed; but euerie Bill of Exchange is to bee anſwered and payed in his proper nature. For let vs ſuppoſe that ſome countermand be made by him that cauſed this money to be made ouer vnto you, before you were to pay the ſaid Bill, which (for ſome cauſes) you are to conceale for a time, you are for all that to be payed of your hundreth pounds, or the diligences which are requiſite to bee done herein, are both wayes to be obſerued accordingly. But when it is done by voluntarie conſent and agreement, then is it queſtionleſſe; for *Voluntas eſt menſura actionum*, The Will doth regulate the Action: and if any Factor doe the ſame for another mans account without commiſſion, he ſhall be anſwerable for it, as before is declared in the Title of Factors and Seruants, and the Commiſſions giuen vnto them.

Reſcounter in Exchange is voluntarie.

Will doth regulate actions, &c.

For the better explanation of Exchanges for moneys, taken vp for one place, and deliuered againe for another place, let vs obſerue this example.

Tenne thouſand Ducats were taken vp at Antuerp for Venice, at Vſance of two moneths at ſeuerall prices of 113 ½ pence, 114 pence, and 115 ½ pence for the Ducat, being the *Medium* or one with another at 115 pence, made Flemiſh money——R. 4791—13—4

Example of Exchanges and Rechanges of moneys.

| | ℔ | ß | d |
|---|---|---|---|
| Theſe R. 4791—13—4, were made ouer for London at Vſance being one moneth, at diuers prices, whereof the *Medium* was 32 ſhillings foure pence, and made—— | 2875 | 0 | 0 |
| Theſe R. 2875 ſterling being receiued, and Factoridge, Brokeridge, and port of letters deducted, remained 2860 ℔, which were made ouer for Antuerp againe at ſeuerall prices, and the *Medium* was 34 ß 2 ½ *d.*—— | 4894 | 15 | 10 |

The tenne thouſand Ducats at Venice were taken vp for Frankford, at 130 Florins of 65 Creutzers, for 100 Ducats, wherunto Factoridge

and

and Brokeridge added, it amounted to 13130 Dollers or Florins of sixtie siue Creutzers, and with Brokeridge and Factoridge at Frankford was Florins——————————

| | *Flo.* | ß | d |
|---|---|---|---|
| | 13260 | 0 | 0 |

The 4894—15—10 Flemish, receiued in Antuerp, were made ouer for Madrill in Spaine at diuers prices, whereof the *Medium* was 106 pence for a Ducat of 375 Maluedeis to bee payed in Banke at foure moneths time, with siue vpon the thousand, and made Ducats——————————

| | *Duc.* | ß | d |
|---|---|---|---|
| | 11132 | 12 | 6 |

These 11132 Ducats, twelue shillings six pence of a Ducat, were made ouer from Madrill to Lixborne in Portugall, and deducting Factoridge and Brokeridge there remained 11010 Ducats of 440 Reas for euerie Ducat of 375 Maluedeis, or 11 Ryalls, is 4844 U 620 Vlas and Ducats——

| | *Duc.* | ß | d |
|---|---|---|---|
| | 12111 | 11 | 0 |

These 12111 Ducats or Crusats of Lixborne made ouer to Antuerp, Factoridge and Brokeridge deducted, remained 11990 Ducats, at 98 pence Flemish euerie Ducat or Crusat, was Flemish——R. 4895—18—4

The 13260 Florins of Frankford, taken vp for Antuerp at 81 pence——————————R. 4530—10—0

R. 365—8—4

These moneys payed Brokeridge and Factoridge for Venice, and deliuered for London, and for Madrill 38—2—4, which must be deducted—R. 38—2—4

So there was aduanced by industrie with other mens moneys——————————R. 327—6—0

## CHAP. IX.

### *Of the Feats of Bankers performed by Exchanges.*

WEE haue in the First Part of this Booke made a description of Bankes and Bankers, in regard of the payments and Exchanges made in Bankes, for commodities bought and sold; and hauing in the precedent Chapters declared the foure manner of Exchanges, and the merchandizing Exchange by denomination of it, to be the canker of Englands Common-wealth; let vs now intreat of the Feats of Bankers. Some men

men of iudgement haue found my writing to be inuectiue and patheticall against Bankers, wherein they are not mistaken. For the vse of Banke (vnlesse they bee countermined by other Bankes) are not to bee suffered in any well ordered Common-wealth, as time will manifest more and more. The French King *Lewis* the ninth, and *Philip* the Faire, did with great cause confiscate the Bankers goods, and for the discouerie of their debts, ordered their subiects to pay onely the principall money into their Treasuries. *Philip de valois* did the like, and indited them as Couseners of the Common-wealth; for it was found that in a short time, with twentie foure thousand pounds sterling, they had accumulated and gotten aboue two millions foure hundreth thousand pounds.

Bankes are incompatible in Common-weales.

*Bodin de Rep.*

Others (which through enuie, malice, or other passions, haue the eyes of their iudgement blinded) haue censured my writing to be Apologeticall; for the erection of a Banke, vnder the colour of the restauration of the auncient Office of the Kings Exchanger; which how absurd it is, let the wise iudge by the difference betweene a Banker and a Generall Exchanger. The Banker doth draw vnto him all the moneys of other men, making his small stocke to be infinite; and the Exchanger must with his owne stocke supply mens occasions. The Banker doth make the price of Exchanges, with the correspondence of other Bankes elsewhere at his pleasure and most aduantage: The Exchanger hath no correspondence with other Bankers, but with his Factors and Seruants is limited to deale honestly with all men.

Difference betweene Banker and Exchange

But because it is difficult to please mens humours in the reformation of abuses, which either for gaine some would haue to continue, or others through ignorance doth not vnderstand: Therfore is there another meanes propounded, as you see by this discourse.

Now comming to the Feats of Bankers, it is not since yeasterday that the same haue beene obserued, much lesse by mee inuented: but in the yeare 1576, the wise and famous Councell of Queene *Elizabeth* caused the same to be examined by discreet persons, who did make report thereof, albeit they missed of the remedie, and they did distinguish the manner of Exchange to be threefold, *viz.*

*For the Bankers priuate gaine and benefit.*

TO lay their money with gaine in any place of the world where any Exchange lyeth.

To gaine and waxe rich, and neuer meddle with any Princes commodities.

To buy any Princes commoditie, and neuer bring pennie or pennieworth into the Realme, but doe it with the subiects money.

To grow rich and liue without aduenture at the Seas or trauaile.

To doe great feats, hauing credit, and yet to be nought worth.

To vnderſtand whether in coniecture their money imployed on Exchange, or buying of wares, will be more profit.

To know certainely whether, and what the Merchants gaine vpon their wares they ſell and buy.

To liue and increaſe vpon euerie Princes ſubiects that continually take vp money by Exchange, and whether they gaine or no.

☞ To wind out euerie Princes treaſure out of his Realme, whoſe ſubiects bring in more wares than they carrie out of the Realme.

To make the Staple of money run thither, where the rich Prince will haue it to be brought, and pay for it.

To vnfurniſh the poore Prince of his prouiſion of money, that keepes his wares vpon intereſt money, if the enimie will ſeeke it.

To furniſh their need of money that tarrie the ſelling of their wares in any contract, vntill they make them come to their price.

To take vp money to engroſſe any commoditie, either new come or whereof they haue ſome ſtore, to bring the whole trade of that commoditie into their owne hands to ſell both at their pleaſure.

*For the aduancing of one Common-wealth, aboue all other Common-weales.*

TO hide their carrying away of any Princes money.

To fetch away any Princes fine money, with his owne or any other Princes baſe money.

To take vp Princes baſe money, and to turne into his fine money, and to pay the deliuerer with his owne and gaine too.

To get vpon credit into their hands for a time all the Merchants money that will be deliuered, and pay them with their owne, and gaine too.

☞ To make the Realme gaine of all other Realmes, whoſe ſubiects liue moſt by their owne commodities, and ſell yearely the ouerplus into the world, and both occupie that increaſe yearely, and alſo their old ſtore of treaſure vpon Exchange.

To vndoe Realmes and Princes that looke not to their Common-wealth, when the Merchants wealth in ſuch, and the great houſes of one Countrey conſpire together ſo to rule the Exchange, that when they will be deliuerers, they will receiue in another place aboue the ſtandard of the Mint of the Princes money deliuered: And when they will bee takers, they will pay the ſame in another place, vnder the ſtandard of the Mint of the Princes money taken vp.

To get readie money to buy any thing that is offered cheape.

To compaſſe readie money to get any offered bargaine out of anothers hands, and ſo by outbidding the other, oftentimes to raiſe the wares.

*For the deſtruction of a Common-wealth.*

TO get a part and ſometimes all his gaines, that imployeth money taken vp by Exchanges in wares, and ſo make others trauell for their gaine.

To keepe Princes for hauing any Cuſtomes, Subſidies, or Taxes vpon their money, as they imploy it not.

To value iuſtly any wares they carrie into any countrie, by ſetting them at that value, as the money that bought them was then at by Exchange in the countrie whither they be carried.

For the better explanation of the premiſſes, let vs remember the deſcription of a Banke heretofore declared, and therein obſerue that great power and commaund which is giuen them by the common-wealth, to incorporate moneys by the meanes of Exchanges, making it to become a merchandiſe, and to ouerrule the courſe of commodities. Payments in Banke limited.

Some men are of opinion, that the price of Exchanges are made by an ind fferent courſe, becauſe the Bankers at the time of the payments of Exchanges in the principall places (as Lyons in France, Madrill and other places in Spaine, Florence and Genoa in Italie, Bizanſon, and other places elſewhere) haue a meeting, and by certaine tickets in writing euerie man doth deliuer his opinion, what the price of Exchange ought to be for all places then exchanging for the next Faire, or time of payment. And according to the ſame the calculation is caſt vp by the *Medium*, that is to ſay, if there be ſeuen or more voices or tickets, the ſaid ſeuen are added together, and the ſeuenth part is the *Medium*; if there be ten, then the ſame being caſt vp, the tenth part is the *Medium*, and ſo for greater or leſſer numbers accordingly. Exchanges caſt vp by the *Medium*.

But theſe men are ignorant of the Bankers obſeruations, for they all know how the plentie of money lyeth by Exchanges, and they concur in making the price for their aduantage, and ſo iumpe all to one end vpon the imaginarie moneys before declared, which maketh the maine ocean of Exchanges, wherein the Exchanges of England are ſwallowed vp as a little riuer or braunch of the ſame, taking ſtill aduantage vpon our fine moneys and ſtaple wares to glut vs with their forreine commodities at deere rates. And hence proceedeth the *Primum mobile* of Exchanges, which is the cauſe of inequalitie ſo much abuſed from the true Exchange of *par pro pari*, and neuertheleſſe admitted to be high and low vpon iuſt occaſion aboue the ſame, as money is plentifull or ſcarce, or the takers of it many or few. *Primum mobile* of Exchanges.

To this purpoſe, let vs remember, that about ſeuentie yeares paſt, betwene this realme and the Low-countries, many of their coynes (although much differing in ſtandards) did in the pound or marke weight, and in the verie peece and price anſwere the coynes of the kingdome, and did containe as much fine gold and ſiluer as ours, and were alſo named and valued accordingly, whereby twentie ſhillings Equall Exchange, or a true *Par*.

here made alſo twentie ſhillings with them, being a true *Par.*

As for example.

| | | | | | |
|---|---|---|---|---|---|
| | ß | | ß | | |
| 23 car. 3 ½ | The angell at — | 10 | The Emperors royall at | 10 | 22 car. fine. |
| 22 car. | The French crowne | 6 | The Flemiſh crowne | 6 | |

| | | | | | |
|---|---|---|---|---|---|
| | ß | | ß | | |
| 11 oun. 2 pennie weight. | *Ed.* crown of ſiluer | 5 | The *Philip* doller — | 5 | 10 ounces fine. |
| | Engliſh ſhilling — | 1 | Flemiſh ſix ſtiuers — | 1 | |
| | Ten groats ſiluer with foure pence. | 3 | the Emperors florin | 3 | |

All theſe coynes are not anſwered in ſtandard for weight and fineneſſe, but are altered and inhanced by valuation to double and more, as you may find by the valuations heretofore declared: by meanes whereof inequalitie crept in by the riſing and falling of the price of Exchange, wherin our Merchants haue followed the aduice of others, and loſt the rule of Exchange, and do obſerue to raiſe the price here, when it is riſen beyond the ſeas, and we fall in price, as they do fall; and ſo the publicke meaſure of Exchange betweene them and vs is falſified and vntrue, whereby our commodities are ſold, and alſo forreine commodities are bought.

**England loſt the rule of Exchange.**

This may be illuſtrated by a ſimilitude; for concerning the ſale of our commodities, we do as much in effect, as if ſome Draper did ſell his cloth at a certaine price the yard, and ſuffered the buyer to meaſure out the ſame by the buyers owne falſe yard: or like a Grocer that ſelleth out his pepper by the pound at a price agreed vpon, and is contented that the buyer ſhall weigh it out by a weight which (vnknowne vnto him) is falſe, and ſo loſeth vnawares, or getteth leſſe than he made account of, becauſe the fraud vſed in the weight and meaſure is vnknowne vnto him. Euen ſo is the cunning courſe of Exchange vnknowne vnto vs, and ſo are our moneys exported, and hindered to be imported againe.

(***)

CHAP.

## CHAP. X.

### *Of the true reformation of Exchanges.*

AS of all things and in all humane actions, the beginning, progresse, continuance, and termination or end is to be obserued, for the better iudgement: so by comparing them often to their principle & originall, not onely the disgression of it is made apparant, but also the longer continuance in the same estate, is thereby procured to reduce them againe to their first integritie and goodnesse. For there was neuer any thing by the wit of man so well deuised, or so sure established, which in continuance of time hath not beene corrupted: so that the matter of Exchange being made a merchandise, requireth this consideration for the reducing thereof to his first principle and foundation, which is the intrinsique value of coynes of countrie and countries according to weight and fineneſſe, albeit the price thereof in Exchange doth rise and fall according to scarcitie or plentie of money, proceeding of the few or many deliuerers and takers thereof in the course of trafficke; not by commodities only, but also by Exchanges deuised vpon moneys, in nature of merchandise.

Herein are the three essentiall parts of trafficke (so often named) to be considered iointly and diuidedly for the good and welfare of common-weales, and not for the benefit of particular or few persons. For albeit that the generall is composed of the particular, yet it may fall out, that the particular will breed a great inconuenience to the generall, whereby priuate persons may reape a benefit to the hurt of a multitude, or the whole common-wealth, in nature of some Monopolies heretofore declared, which may as well happen by ignorance as by premeditated practise. The generall benefit to be preferred &c.

For to speake ingeniously, Merchants cannot enter into consideration of the quantitie of forreine commodities imported at deere rates, and the natiue commodities at lesser rates exported, respectiuely of former times; by the disportation whereof, commeth an euident ouerballancing of commodities. Merchants do not regard whether the moneys of a kingdome are vnderualued in Exchange

by the inhauncing of forreine coyne in other countries, whereby our moneys are exported, and forreine coyne or bullion cannot be imported but at an exceeding losse. Lastly Merchants do not know the weight and fineneſſe of the moneys of each countrie, and the proportions obſerued betweene gold and ſiluer, nor the ſeuerall differences of ſtandards of moneys of gold and ſiluer, a matter ſo neceſſarie for them to know, to driue a profitable trade, as by this booke they may now vnderſtand for the common good. Princes and Gouernours therefore are to direct them according to the lawes, wherin the Law-Merchant muſt be the true guide and directer.

This direction muſt as well be eſtabliſhed vpon the coyne of other nations, as vpon the moneys of the kingdome, becauſe the payments of Bills of Exchanges beyond the ſeas are made by ſeuerall coynes vpon the valuation made thereof, at the pleaſure of Princes, wherby ſometimes the moneys of the realme are not proportionably valued according to the moneys of other countries, which are therby diuerted alſo to be imported vnto vs: For example, let vs take the valuation aforeſaid made in the vnited Prouinces during the gouernment of the Earle of Leiceſter, at which time the Royall of eight was valued at fortie and two ſtiuers, and the Rickx Doller of the Empire and alſo their owne Doller at fortie and fiue ſtiuers, and the Engliſh ſhilling (at twelue pence here) being there valued at ten ſtiuers made twentie ſhillings ſterling, to be by Exchange thirtie three ſhillings and foure pence, as a *Par pro pari*, or value for value. The like for Hamborough at twentie foure ſhillings and nine pence, as hath beene noted. Now fiue Royalls of eight which is at fortie two ſtiuers thirtie fiue ſhillings, are valued at fortie two ſhillings and ſix pence, that is to ſay, at fiftie one ſtiuers, and yet the Exchange is taken ſtill at the ſaid rate, according to which calculation the ſaid Royall of eight is by vs receiued at fiue ſhillings and two pence, which is but foure ſhillings 2 ½ pence, or thereabouts. The difference is fifteene vpon the hundreth in leſſe than two moneths time: adde hereunto the ten in the hundreth to be had by the ſaid Royalls of eight, that the ſame are better in weight and fineneſſe than our ſix pence ſterling, which is taken to anſwere the ſaid Royall by a common calculation, by reaſon whereof there will be giuen ſo much in his maieſties mint, or thereabouts, that is to ſay, foure ſhillings and fiue pence, or at the leaſt foure ſhillings and foure pence ½, after the rate of fiue ſhillings ſterling, for an ounce of that ſtandard; ſo together is twentie fiue vpon the hundreth benefit, which cauſed a Merchant aduenturer to ſet downe in print an interrogation in this manner: Who will procure licence in Spaine to bring Realls into England to ſell them here at tenne in the hundreth gaine, which is leſſe than the Exchange from thence will yeeld, when he may haue for the ſame 25 in the 100 in Holland? A matter whereby Merchants are eaſily induced to diuert the ſaid Royalls from the realme to thoſe and other countries, and by the common vnderſtanding to remedie the ſame, it is thought there is no

A treatiſe of Free trade 1622.

meanes

meanes to meete with forreine nations in the inhancing of moneys, but wee muſt doe the like, albeit experience hath ſhewed long ſince that this is not effectuall nor any true remedie. Now if we will conſider things according to the rule aforeſaid, it will plainely appeare that the ſaid fifteene vpon the hundred gaine, more than in England, are but imaginarie, if the Exchange for moneys were reformed: for let fiue of theſe Royalls of eight bee bought in England for twentie two ſhillings, and be tranſported into Holland, and there buy commodities with the ſame (which is according as the price of them is inhanced, for as the money riſeth in price, ſo doth the price of commodities) it may fall out the ſaid Merchants ſhould become loſers by the commodities, ſo that the ſame cannot be termed *Cauſa mouens*: But the Spaniſh Merchants, which cauſe their Royalls to be ſent into Holland or Zealand, from Spaine or from the Downes, relye wholly vpon the Low Exchange, whereby they are inabled to deliuer there their money by Exchange at an vndervalue, at thirtie three ſhillings foure pence Flemiſh and vnder, for our twentie ſhillings ſterling, whereby the Kingdome maketh good vnto them the ſaid fifteen vpon the hundreth, conſiſting betweene the price of fortie two ſtiuers, and fiftie one ſtiuers, which is almoſt eighteene *pro cent.* If the Royall went but for fiftie ſtiuers according to the valuation, ſo that if the Exchange were made accordingly, which would be aboue thirtie ſeuen ſhillings ſix pence, this gaine would not be at all, and moneys would be imported vnto vs, and not exported.

A Maxime in Exchanges.

For the rule is infallable, That when the Exchange anſwereth the true value of moneys, according to their intrinſicke weight and fineneſſe, and their extrinſicke valuation; they are neuer exported, becauſe the ſaid gaine is anſwered by Exchange, which is the cauſe of tranſportation. To make this euident in the Rickx Doller, which is the maine and moſt vſuall coyne in Germanie, Eaſtland, the Vnited and Reconciled Low-countreys before their late Proclamations, and currant in many other Countreys: obſerue wee, that the ſaid Doller was valued at two markes Lubiſh, euery marke being ſixteene ſhillings Lubiſh, or ſixteene ſtiuers. For in the yeare 1575 the ſaid Rickx Doller was ſtill coyned in the Empire for thirtie two ſhillings or ſtiuers, and ſo currant by valuation in the Low-countreys, whereby they were all one in denomination and effect: But the wars in the Low-countreys hath beene the cauſe of the inhancing of this Doller, which was brought to thirtie fiue ſtiuers, and in the yeare 1586 to fortie fiue ſtiuers, or to fiftie two ſtiuers now by intermiſſiue valuations and times. Howbeit at Hamborough, Stoade, and other places in Germanie, the ſaid Doller did remaine ſtill at thirtie two ſhillings Lubiſh, or two markes: and as the ſaid Doller did inhance in price, ſo did they in the Low-countreys coyne new ſtiuers accordingly; ſometimes lighter in weight, and at other times imbaſed by Copper or Allay, and yet in account the ſtiuer did and doth remaine the ground of all their moneys: but the ſaid Doller holdeth his ſtandard

A ſhilling Lubiſh, and a ſtiuer Flemiſh was all one 1575.

A great Fallacie.

agreeable

agreeable to the first Doller, called the Burgundian Doller with Saint *Andrewes* Crosse, coyned in the yeare 1567, which is in fineneſſe ten ounces twelue pennie weight of fine Siluer: and foure and one halfe of theſe Dollers were made equiuolent to our twentie ſhillings ſterling, as a publike meaſure betweene vs and the Low-countreys, Germanie, and other places where this Doller went currant, as you may obſerue in the precedent Chapters.

Theſe Dollers haue ſince beene imitated and made by the States of the Vnited Prouinces in their ſeuerall Mints, altering onely the Armes of the ſeuerall Prouinces; as alſo by the Arch-Duke *Albertus* in the reconciled Low Prouinces, and the price of them at Hamborough, Stoad and other places was but aduanced to one ſtiuer or ſhilling Lubiſh more, that is to ſay, at thirtie three ſhillings Lubiſh went, the ſame went in the Low-countreys for fortie fiue ſtiuers, which made the diuerſitie of the ſaid Par of Exchanges of thirtie three ſhillings foure pence for the Low-countreys, and twentie foure ſhillings nine pence for Hamborough, being all one in ſubſtance. This Doller is ſince that time (as I ſaid) inhaunced to fiftie two ſtiuers in the Low-countreys, which maketh the price of Exchange aboue thirtie eight ſhillings, or rather thirtie nine ſhillings; and ſhall the Kingdome ſuffer this and not alter our price of Exchange accordingly, but be contented to take thirtie foure or thirtie fiue ſhillings, and after that rate vnderſell all the commodities of the Realme?

In the Netherlands.

This Doller is likewiſe ſince that time more inhaunced in Germanie, from time to time. And leauing the exceſſiue valuation in remote places, let vs note the valuation of Hamborough, where it hath beene at fiftie foure ſtiuers the Doller, which maketh the Exchange aboue fortie ſhillings of their money for our twentie ſhillings. And although we haue raiſed our price of Exchange, from twentie ſhillings nine pence, to thirtie fiue ſhillings and thereabouts, ſhall we reſt here and goe no further? Haue we reaſon to doe it in part, and not in the whole, according to Iuſtice, Equitie, and true Policie: and ſhall we be like a man that by halting in jeaſt became lame in earneſt? *Abſit ignorantia.*

In Germanie.

The moneys in Chriſtendome, which haue their ebbing and flowing doe ſhew their operation vpon commodities, maketh by plentie the price thereof deare, or by ſcarſitie better cheape, as hath beene noted: but Exchange hath a contrarie meane of working, for plentie of money maketh a low Exchange, and ſcarſitie of money maketh a high Exchange and the price to riſe, which is of great conſideration; becauſe it ouerruleth money and commodities, which neuer entred in the politicke ſtudies of *Ariſtotle*, *Seneca*, or *Cicero*, who were but in the infancie of Trade. And Ciuilians can tell vs that *Commercium*, is *quaſi Commutatio Mercium*, but went no further in this iuſt and princely ſtudie of State affaires, to augment, by all lawfull meanes of *Ius gentium*, the wealth of their Kingdomes and Territories; as alſo to preuent the diminution thereof, by the carrying away of their moneys

The courſe of money and Exchange, are contraries in operation.

and

and treasure. True it is that the Statute Lawes of England haue had a care heereof, but the remedies haue beene hitherto defectiue, by mistaking the Efficient cause thereof: which remedies may be distinguished three manner of wayes.

1 First the Statute of imployment for Merchant strangers, made for three especiall causes: 1 For the aduancing of the price and sale of our natiue commodities: 2 To preuent the ouerballancing of forraine commodities: 3 To preserue the moneyes within the Realme. 14. R. 2. Commodities.

2 The lodging of Merchants strangers with free hoasts, who had an inspection in their negotiations for commodities and moneys.

3 The keeping of Staples for Woolls, Woolfels, and other commodities beyond the Seas, with their Correctors and Brokers to register Merchant strangers dealings.

4 To cause Denizens to pay strangers Customes inwards and outwards.

5 The sundry treaties and conferences with the Commissioners of other Princes, about Merchandise, Moneys, and Exchanges.

6 The seuere Proclamations for the obseruation of the Statutes made for and concerning the same, and the Articles of Entercourse.

7 The prohibition to export commodities, but at great Ports,

8 The prohibition for strangers to sell wares by retaile.

9 The prohibition for English Merchants to ship goods in strange Bottomes.

10 The transportation of money made Felonie by Act of Parlement. Moneys.

11 The attendance of Searchers, Waiters, and other Officers.

12 The strict information in the Exchequer and other Courts.

13 The swearing of the Masters of Ships, for exportation of moneyes.

14 The reformation of the ouerheauinesse of our pound weight Troy in the Tower.

15 The ouerrichnesse of our sterling standard of moneys.

16 The alteration of the proportion betweene Gold and Siluer.

17 The making of more prices out of the pound Troy by the Sheyre.

18 The inhauncing of Siluer and Gold Coynes in price.

19 The imbasing of moneys by Allay or Copper.

20 The vse of many standards of money, and reduced to two againe.

21 The increasing of coynage money to hinder the exportation.

22 The prohibition to cull out heauy peeces to melt or transport.

23 The banishing of light Spanish money, and Gold to bee molten.

24 The giuing more for Bullion in the Mint.

25 The prohibition for Goldsmiths to buy Gold or Bullion.

26 The

26 The making of the principall forraine Coyne .currant in England.

27 The binding of Merchants to bring in Bullion.

28 The prohibition to pay Gold vnto Merchant ſtrangers.

29 The prohibition to take gaines vpon Coynes.

30 The Bullion in the Mint to be deliuered by weight, to reſtore by tale.

31 The inhauncing of Gold and vndervaluing of Siluer.

32 The puniſhment of tranſporters in the Starre-chamber by Fines.

Exchange. 33 The prohibition by Act of Parlement, to make Exchanges for moneys for forraine parts without the Kings eſpeciall licenſe.

34 Money deliuered to Sir *Thomas Greſham* Knight, out of the Exchequer, to rule the courſe of Exchanges by Bills.

35 The Office of the Kings Royall Exchanger, neuer put in practiſe ſince the merchandiſing Exchange beganne, erected by King *Edward* the firſt in the eleuenth yeare of his raigne, by an Act made at Acton Burnell, as aforeſaid.

Heere wee are to obſerue the Statute of employment to bee defectiue, when Merchants (both Engliſh and ſtrangers) haue an abilitie giuen them by Exchange to take vp money here, and to deliuer a Bill of Exchange for it payable beyond the Seas, and can ſend ouer the money *in ſpecie* and bee a great gainer thereby: inſomuch that if I receiue here one hundreth peeces of twentie ſhillings, I can ſend nintie peeces to pay my Bill of Exchange, and put ten peeces in my pocket for an ouerplus and gaine.

The like may bee done by making ouer money from beyond the ſeas to be payed here by Exchange, which being receiued, I can tranſport with 15 vpon the hundreth gaines in two moneths and leſſe, and aduance a hundreth vpon the hundreth in one yeare, which exceedeth all the benefit to be made by commodities, wherewith I need not to intermeddle, neither can the ſaid ſtatute be any helpe herein to remedie the ſame.

This gaine ariſeth by the vnderualuation of our moneys, in regard of the inhancing and ouerualuation of forreine coynes, ſo that the cauſe is extrinſique, and compriſed vnder the ſaid Exchange of money, and not intrinſique in the weight and finenes of moneys, which are conſidered in the courſe of true Exchange betweene vs and forreine nations: and thereupon it followeth, that neither difference of weight, fineneſſe of ſtandard, proportion betweene gold and ſiluer, or their proper valuation of moneys can be any true cauſe of the exportation of our moneys, ſo long as a due courſe is held in the Exchange which is grounded thereupon.

Hence ariſeth the facilitie of the remedie by the reformation of the Exchange, in cauſing our moneys to be truely anſwered by Exchange, according to the verie value, or aboue the ſame, which cutteth off the ſaid gaine had by the exportation of moneys, and cauſeth

alſo

alſo (in effect) that the forreine coynes beyond the ſeas are not taken in payment aboue their values, although they be receiued at a higher rate, becauſe the commodities of the realme are ſold according to the price of Exchange, which counteruaileth the ſame according to their inhauncing of coynes, or imbaſing of the ſame by allay or copper.

All men of common vnderſtanding, when they do heare of the raiſing of moneys beyond the ſeas, are readie to ſay, We muſt do the like. For they conceaue the ſaying of *Cato, Tu quoque fac ſimile, ſic Ars deluditur Arte*, to be a proper application hereunto. But they do not enter into conſideration what alterations it would bring to the State, and that the matter might run *ad infinitum*, as ſhall be declared.

But let vs ſuppoſe, that this will be a ſufficient remedie to inhance or moneys, as they do theirs, to imbaſe our coynes as they do theirs, and to imitate ouerualuation of gold and ſiluer as they do, which requireth a continuall labour, charges, and innouation. Is it not an excellent thing, that all this can be done by the courſe of Exchange with great facilitie? and that without inhauncing of our moneys at home, or medling with the weight and fineneſſe of the ſterling ſtanderd; this is to be done onely by his maieſties proclamation, according to the ſtatut of Exchanges, Prohibiting that after three moneths next inſuing the ſame, no man ſhall make any Exchanges by Bills or otherwiſe, for moneys to be paied in forreine parts, or to be rechanged towards this realme, vnder the true *Par*, or value for value of our moneys, and the moneys of other countries in weight and fineneſſe, but at the ſaid rate, or aboue the ſame, as Merchants can agree by the meanes of Brokers, or amongſt themſelues, but neuer vnder the ſaid rate, which ſhall be declared in a paire of tables publickely to be ſcene vpon the royall Exchange in London, according to the ſaid proclamation: and the ſaid tables ſhall be altered in price, as occaſions ſhall be miniſtred beyond the ſeas, in the ſeuerall reſpectiue places of Exchanges, either by their inhauncing of moneys by valuation, or by imbaſing of the ſame by allay, as hath beene noted; which by a vigilant eye may be obſerued, and will be a cauſe to make other nations more conſtant in the courſe of their moneys: and this will be executed more of courſe than by authoritie, becauſe gaine doth beare the ſway and commaund with moſt men.

The way to reſtore Englands wealth.

For the Merchant Stranger being here the deliuerer of money generally, will eaſily be induced to make the moſt of his owne, receiuing by Exchange more for our moneys beyond the ſeas: and the Engliſh Merchant (being the taker of the ſaid moneys) will not be ſo iniurious to the State, as to giue leſſe beyond the ſeas than the value of our money in Exchange, contrarie to the ſaid proclamation: and if he would, the deliuerer will not let him haue it. Beſides that the takers occaſions are inforced by neceſſitie, and he can be no looſer; for by direction, he will ſell his commodities beyond the ſeas accordingly, becauſe the price of Exchange doth ſtill gouerne the

ſale

ſale and buying of commodities, as aforeſaid.

Engliſh Merchants being the deliuerers of the moneys beyond the ſeas, and the price of Exchange altering there accordingly, will haue the like conſideration, and the Merchant Stranger will prouoke him thereunto: and if there be no takers, the Engliſh Merchant may bring ouer the money *in ſpecie*, wherein he ſhall become a gainer.

The courſe is agreeable to juſtice and the law of nations, or *ius gentium*, and will not hinder the Exchange to riſe and fall, as formerly, but keepe all in due order, with theſe conſiderations, cautions, and preuentions as ſhall be ſet downe to preuent all inconueniencies proceeding by the inhauncing of moneys, which fall generally vpon all men in the endearing of things, & particularly vpon land-lords and creditors in their rents and contracts, and eſpecially vpon the king maieſties lands.

Inconueniencies of the inhauncing of coynes.

The ſtatute of Imployment muſt alſo be obſerued, to make the remedie more compleate, with a Regiſter to record the moneys which forreine mariners do receiue for fraight, comming from Norway and other places, making aboue one hundreth voyages yearely; as alſo many other ſhips bringing corn into the Northerne and Weſterne parts of the realme, and exporting moneys for it.

The pollicie of the Turke and Ruſſian.

The Turke, Perſian, and Ruſſian haue herein ſurpaſſed vs in true policie, by keeping the price of their Exchanges high, much aboue the valuation of their moneys; ſo that they haue no trade by Exchange nor moneys, but onely for commodities, whereby they preuent the ouerballancing of forreine commodities with theirs, as alſo the exportation of their moneys; albeit the vſe of our commodities is in thoſe countries verie great.

Obiections to the remedie.

The obiections made by ſome againſt this ſole remedie are eaſily to be anſwered, for they are grounded vpon ſuppoſitions againſt aſſured experience.

1 Some make doubt that the price of Exchange being riſen, there will be no takers of money, and then the deliuerer is more thruſt vpon the exportation of moneys.

2 Others ſay, that thoſe Merchants which haue ſold their cloth beyond the ſeas ſhall receiue a loſſe in the making ouer of their moneys from thence, by deliuering more there in Exchange than now they do.

3 Others ſay, that they ſhall not be able to vent their clothes according to the high Exchange, eſpecially now that cloth is out of requeſt; and would haue the matter of reformation deferred vntill another time, in their opinions more commodious.

Anſweres.

The firſt obiection is anſwered before, That the taker is ruled by the deliuerer, who will not giue his money in Exchange vnder the true value, according to the proclamation to be made, and the deliuerer being the Merchant Stranger here, will ſooner be thruſt vpon the ſtatute of Employment, for by the exportation of money, he ſhall haue no gaine; whereas ſome of the diſcreeter ſort would not haue

the

the ſaid ſtatute too ſtrictly preſſed vpon the ſtranger, becauſe the trade ſhould not be driuen into their hands, *Mediocria firma.*

To the ſecond, the Proclamation (limiting a time for execution) giueth Merchants abilitie to recouer their moneys, or to ſell their Bills of debts for money, or to buy commodities for them, as the manner is.

To the third, experience maketh a full anſwere to both, that there did not want takers, when the late inhauncing at Hamborough cauſed the Exchange to riſe from vnder twentie and eight ſhillings to aboue thirtie and fiue ſhillings, which is more than the preſent alteration will be: and Wooll was at thirtie and three ſhillings the Tod, which is now fallen vnder twentie ſhillings; ſo that the vent of our Cloth was not hindered, when it was ſold deerer by one full third part; but there was aboue eightie thouſand Clothes ſold yearely, where there is now ſold but fortie thouſand Clothes. The time is alſo to be thought more conuenient to aduance a commoditie, being vnderualued, than to do it when the price is high: for this pluriſie of the common-wealth is dangerous, and admitteth no time of curing, like the fire in a citie, which permitteth not any inquiries to examine how the ſame began, but requireth euerie mans help to quench the ſame.

And wheras it is alledged in the defence of the inhancing of coine, That which is equall to all (when he that buyes deere ſhall ſell deere) cannot be ſaid to be iniurious vnto any. Treatiſe of Free trad, *E.M.*

This opinion is without conſideration of the alteration of Weights and Meaſures betweene vs and other nations, that is Exchange for moneys, and what the ſame may produce to the loſſe of the common-wealth, albeit that betweene man and man it may proue alike in ſome reſpects.

To make this euident, Suppoſe two Merchants, the one dwelling in London, and the other dwelling at Amſterdam, doe contract together, that the Londoner ſending Clothes to bee ſold at Amſterdam, the Merchant of Amſterdam ſendeth him Veluets and Silkes to bee ſold at London: and (in the account to be kept betweene them) they agree to reckon the moneys in Exchange but at thirtie ſhillings Flemiſh, for twentie ſhillings ſterling, and ſo make returne each to other from time to time, as moneys ſhall bee receiued both heere and beyond the ſeas. Whereupon put the caſe, that there is receiued at Amſterdam one thouſand and fiue hundreth pounds Flemiſh for Cloth, and at London there is receiued one thouſand pounds ſterling for Veluets and Silkes, which according to the ſaid computation is all one in effect betweene them, and might by way of reſcounter anſwere each other in account. But the Merchant of Amſterdam knowing that (by reaſon of the inhauncing of the moneys there) he can make a great gaine to haue the ſaid one thouſand pounds to be ſent vnto him *in ſpecie*, he deſireth the Londoner to ſend vnto him this one thouſand pounds ſterling in ſiluer

or gold coynes, Royalls of eight, or Rickx dollers, whereby he ſhall profit fifteene vpon the hundred by the meanes aforeſaid, which amounteth to one hundreth and fiftie pound gaines. Now the Londoner hauing his one thouſand and fiue hundreth pounds Flemiſh, or one thouſand pounds ſterling at Amſterdam, cannot do the like, becauſe the money by the ſaid inhauncing is receiued there aboue the value, ſo that his money muſt be deliuered there by Exchange at thirtie three ſhillings foure pence, or vnder, wherby he receiueth here the ſaid 1500 ℔ Flemiſh with no gaine at all. Thus the account is made euen betweene them: but by theſe meanes the kingdome is depriued of the 1000 ℔ of the Merchants money ſent to Amſterdam, which doth not onely procure want of our moneys, bnt cauſeth alſo the natiue commodities to be vnderſold, and the forreine commodities to be aduanced in price beyond the ſeas by plentie of money there, and hindreth the importation of bullion.

To preuent this, the queſtion is now, Whether it be better and more expedient to raiſe the price of Exchange, or the valuation of our moneys? Surely all men of iudgement will ſay, That the raiſing of Exchange breedeth not that alteration which the inhauncing of moneys doth, to make euerie thing deere, and to cauſe landlords and creditors to looſe in their rents and contracts. And Merchants of experience do know, that wee cannot do as they do: for the inhauncing of our moneys here will be countermined by other nations, who ſtill will vnderualue them in Exchange betweene vs, vnleſſe it be preuented by our owne true valuation to be made known as aforeſaid.

Page 104. The Author of this Treatiſe of Free trade doth ſay, *That it is not the rate of Exchanges, but the value of Moneys, heere low, elſewhere high which cauſe their exportation, nor do the Exchanges, but the plentie and ſcarcitie of moneys cauſe their values*, which is meerely *Hiſteron proteron*, whereunto I haue anſwered heretofore, *viz.*

Three waies to diſſolue an argument. There are three waies to diſſolue an argument, *Deniall*, *Retorting*, and *Diſtinction*. *Deniall*, is too hoſtile, ſauouring more of obſtinacie than of Art: *Retortion*, is more wittie than profitable: but *Diſtinction* is like mature remedies, compared to Purges which clenſe and feed; but the ſaid Authour did take the courſe of *Deniall*, and proueth nothing touching the matter in queſtion.

Exchange compared to the Aſſaies of money. If moneys be here low and elſewhere high, how is this knowne but by the valuation of Exchange? conſidering the diuerſities of moneys of ſeueral ſtandards, wherein the Exchange is like the Aſſay, whereby the fineſſe of gold and ſiluer is knowne, grounded vpon the quantitie which the Exchange requireth, according to the weight of fine ſiluer & gold contained in the moneys of each countrie, which is the intrinſick value, & not according to extrinſicke valuation, which is altered by denomination, for the name of a thing doth not alter the value really, but the ſubſtance doth it, if it be altred; much leſſe doth plenty or ſcarcity of monie cauſe their values, it being contrary to the

nature

nature and propertie of money; the yeard doth measure the cloth, but the cloth doth not measure the yeard. To illustrate the premisses by example I haue heretofore shewed the consideration incident.

Suppose that some Merchants strangers doe come ouer into the Realme to buy a packe of tenne clothes, valued at 80 ℔ sterling, which they are to pay in gold and siluer, and they doe not know the weight and finenes of their forraine coyne which they haue brought ouer; heereupon to content both parties, the moneys on either side must be tried by the subtle assay, according to their finenes computated vpon the pound weight of twelue ounces Troy, and then (by weight) they answere each other accordingly. And so this negotiation is (in effect) but a permutation of moneys for commodities before Exchange was inuented.

Hetherto we haue handled of the reformation of Exchanges, for places where the Basis of Exchange or foundation is made vpon our twentie shillings sterling, that is to say, When Merchants beyond the Seas (deliuering moneys there for England) will cause the Brokers of Exchanges to know how much Flemish or Hamborough money Merchants will giue there, to haue twentie shillings sterling payed in England, euen as wee doe here to know how much in Flemish money or other coynes a Merchant will giue for the said twentie shillings here, by an agreement to bee paied beyond the Seas by Bill of Exchange. But now we are to intreate of the reformation of the Exchanges which are made vpon forraine coynes, or rather imaginarie moneys of other countreys: as for France vpon the French Crowne of sixtie soulz; for the East countreys vpon the Florin Polish; for Germanie vpon the Rickx Doller of seuentie two Creutzers; for Venice vpon their Ducat, and so for other places, as in the former Chapters we haue noted.

Exchanges which are made vpon forrain coynes.

Herein let vs obserue that the course of it is directly opposite; for whereas in the one we doe procure to haue much money, or at the value answered by Exchange: so in the other wee may doe the like, and rather procure lesse to bee giuen in Exchange, because that the foundation of those Exchanges is made vpon forraine coyne.

Neuertheless consider wee, that when foure Testons or three Franks *in specie* were calculated for the said Crowne of sixtie soulz in Exchange; then euerie such Teston was fifteene soulz by valuation, and euerie such Frank was twentie soulz. But since that time the said peeces of Testons are made currant for 16 ½ soulz, and the Franks at twentie two soulz, being the same in weight and fineneſſe, without any alteration in the standard called, *Le Pied de la Monoye*, but onely inhaunced in valuation, according to which, payments are made in siluer coynes. Also for the gold coynes, as French Crownes and Pistolets, which are inhanced at times vntill 72 soulz from 60 soulz, wherupon the said Crown was valued at six shillings sterling; Is there any man of iudgement that will giue (if hee can choose) sixe shillings, or seuentie two pence, and 72 ½ pence, for the said French

Crowne in Exchange, when the Crowne *in ſpecie* is paied him in France for ſeuentie fiue ſoulz? The like conſideration are we to haue of the Dollers of Germanie, of the Poliſh Gülders or Florins, and all other coynes inhaunced aboue the Par of Exchanges heretofore calculated amongſt Merchants, and eſpecially with the admittance of Princes.

The operation heereof in the courſe of trafficke, is of verie great moment, more than in times paſt, when the difference was not ſo ſenſible, which made me to compare the ſame vnto the ſerpent *Aſpis*, which ſtingeth men in ſuch ſort that they fall into a pleaſant ſleepe vntill they die; which is meant by particular perſons, whoſe eſtate is conſumed by running vpon Exchanges. Or like vnto the crueltie of the Planet *Saturne*, which maketh his ſpherecall courſe in thirtie yeares, with great operation, although wee doe not ſo ſenſibly perceiue his motion, which is meant in the reuolution of State affaires in progreſſe and continuance of time.

## CHAP. XI.

### *Of Attachments and Arreſt.*

THE Common Law of England doth not vſe the courſe of Attachments, as is vſed by the Cuſtome of the Citie of London, which was borrowed from Merchants actions obſerued in forraine Countreys, and was thereupon by Cuſtome here eſtabliſhed; it being a readie way whereby men may ſecure themſelues of preſent meanes, if they doubt of their debtor. For if the creditor do know any debts or goods belonging vnto his debtor, he may inſtantly vpon a ſpecialtie to be exhibited vnto the Magiſtrate, haue authoritie to attach the ſaid debts and goods in the hands of any perſon where he findeth the ſame, onely Priuiledged places excepted, or Eccleſiaſticall perſons in moſt places.

To this Attachment, if the partie doe appeare and put in baile, either by himſelfe or his Atturney; then the Attachment is *ipſo facto*, void, and declaration being put in, dependeth in Court vpon the ſaid baile, and if no declaration bee put in the next Court day, or within three

three dayes, then the ſaid baile is likewiſe diſcharged by the ſaid Cuſtome; albeit this is not ſo duely obſerued, as the Cuſtomarie Law of Merchants requireth. But if the partie doe not appeare, and the Attachment doe proceed three Court dayes, or three defaults to be entred, then for the fourth default judgement or ſentence is giuen, that hee who did make the Attachment ſhall recouer the ſaid debt and goods, and take the ſame into his owne poſſeſſion, vpon good ſureties to be put into the Court, to anſwere the value thereof within one yeare and a day, in which time the proprietarie may diſreaſon the ſaid recouerie, by diſprouing the other parties ſurmiſes or allegations, prouing that the ſpecialtie was paied whereupon the Attachment was grounded. For the Attachments beyond the Seas cannot be made vpon any pretended Action, but muſt bee done vpon a Bill of debt, and many times the Magiſtrates will ſequeſter the goods or debts into their owne hands, to auoid incertainties of honeſt dealings. Beſides, Merchants will be aduiſed before they make Attachments, becauſe both the Ciuile Law, and Cuſtomes of Merchants doe impoſe great damages vpon the partie, if hee haue made his Attachment without iuſt cauſe, to the ouerthrow of the other parties credit. And moreouer, if it be vpon debts appearing by ſpecialties or Bills Obligatorie, it may fall out that the ſaid debts are transferred or ſet ouer vnto other Merchants, according to the Cuſtome heretofore mentioned, whereby the propertie is altered.

I remember a caſe of mine owne, that happened aboue twentie yeares ſince, which concurreth with the matter in hand: A Merchant being indebted vnto me, by a Bill Obligatorie the ſumme of 800 ℔, payable at ſix moneths, was perſwaded by a friend of his (with whom I had ſome differences and controuerſies of accounts) to ſuffer an Attachment to be made in his hands of the ſaid moneys, by the Cuſtome of London, vpon promiſe made vnto him, That he would giue him long dayes of payment for the ſaid moneys: whereupon my Debtor appeareth to the ſaid Attachment, and did acknowledge the ſaid debt of 800 ℔, relying vpon the long dayes of paiment, and he that made the Attachment did proceed in the Law, and had judgement thereupon, making no doubt to obtaine execution accordingly. Being aduiſed by learned councell in London, wee ſuffered him ſo farre to proceed, and then we did ſpeake in Arreſt of execution, and brought a Writ of *Certiorare* out of the Kings Bench, vnder the hand of the Lord Chiefe Iuſtice, putting in ſpeciall baile in London to ſatisfie the judgement. The record was remoued to the ſaid Court of Kings Bench, and there wee did put in other baile, and vpon that brought a *Superſedias* into London, and diſcharged our eſpeciall baile, and by the Law the ſaid Attachment and all proceedings were made void; and this Merchant was taken, *Pro confeſſo*, and ordered to bring the money inſtantly into the Court, whereas he had yet ſix moneths for the payment; the intereſt whereof was 40 ℔, whereby the Prouerbe tooke place, *Fallere fallentem non eſt fraus.*

Attachments to be remoued after judgements.

Here the Law did preuaile againſt Cuſtome: but in another like matter of attachment, Cuſtome hath prevailed againſt the Law.

One being indebted vnto another the ſumme of one hundreth pounds payable at a certaine time, it came to paſſe that the Creditor went ouer beyond the Seas before the money was due: the cautelous Debtor, vpon vntrue ſurmiſe to defraud the Creditor, made attachment of this money in his owne hands by the Cuſtome of London, and put in ſureties to bee anſwerable for it for one yeare and a day, according to the manner and order of the Court, in which time the ſaid Creditor was to diſreaſon the ſaid pretended debt; but the Creditor (being beyond the Seas and ignorant of theſe proceedings) came ouer after the expiration of the yeare and a day, and the Debtor had judgement vpon the ſaid attachment, and execution awarded vnto him in his owne hands. The Creditor being now come ouer, demanded his money, the other denied to owe him any; in briefe, the Bill was put in ſuit at the Common Law, the Debtor did plead the ſaid judgement and recouerie in London, and by that practiſe and fraudulent meanes defeated his Creditor: and being done by Law, it is taken to be no couſenage to be puniſhed by the Starre-chamber or other Courts, onely the partie is *A.K.*

No arreſt to be after Sun ſet.

Touching Citizens or Merchants arreſts beyond the Seas, there is a Cuſtome that no Officer may arreſt after Sun ſet; ſuch therefore as goe abroad but at thoſe times, are ſaid to *Fly with the Owle*, by a common Prouerbe: and it is hoped by the ſaid Cuſtome that the Debtor may (by hauing acceſſe at ſome time vnto his Creditor) compound with him, and preſerue the good opinion and credit wherein hee liueth, and thereby not onely haue meanes to recouer himſelfe, but alſo be an occaſion to gather in his owne debts ſooner. In ſome places alſo they may not arreſt vpon the Sabbath dayes and Holy-dayes, to the end they ſhould not bee depriued of Diuine Seruice towardes God, and comfort of their ſoules.

The Officers or Sericants may not arreſt any man vpon the Burſſe or Royall Exchange, although the partie to be arreſted ſhould yeeld thereunto, and renounce the ſaid priuiledge. It is not many yeares ſince that a Merchant of Amſterdam (being vpon the Exchange at Antuerp) had notice giuen him that another Merchant had giuen order, that vpon his going from the Exchange hee ſhould bee arreſted, and that the Officer did attend him, being neere at hand; whereupon hee perceiuing the ſaid Officer, called him vnto him, and ſaid, Hee would obey the arreſt; which for the firſt time is but an adiourning or citation: the Officer did require a pledge of a peece of coyne in token thereof (as the manner is) which hee gaue him. Afterwards this Merchant of Amſterdam (being otherwiſe aduiſed by his friends) did diſclaime from that arreſt, becauſe it was done vpon the Exchange, and claimed the ſaid priuiledge: inſomuch that the Magiſtrates and the learned Aduocates on both ſides, did thereupon aſſemble in the Towne-houſe, as it were the Guild-hall, and there the

matter

matter was debated and diſcuſſed at large, according to the lawes. And it was at laſt concluded and determined, that the ſaid Arreſt was void in Law: for the renunciation of a Priuiledge by any particular, or many perſons, cannot derogate or abrogate any Cuſtome or Priuiledge, not only in the generall, but alſo in the particular; ſo that within twentie and foure houres after he might haue bin arreſted againe, but he was *non inuentus*, and vpon this Arreſt he was to find caution to anſwere the law.

The renunciation of a priuiledge cannot aboliſh the priuiledge.

The like is to be vnderſtood for all priuiledged places, as Churches, Chappels, Church-yards, and other places of Iuriſdictions: and diuers Cities and Towns do not permit any man to be arreſted vpon forreine pleas for debts or contracts made in other townes, places, or countries, which are as places of refuge for ſome Merchants, as the towne of Middleborough in Zealand, and the towne of Dort in Holland, and other cities and townes in other countries, and moſt cities and towns where a Nation, or a Societie of Merchants do agree to make their reſidence, as the Companie of Merchants Aduenturers and others, commonly the ſaid cities and townes doe exempt them from all litigious ſuits which happen betweene themſelues, to be determined by their Gouernour or Court maſter; ſo as only controuerſies happening betweene them and ſtrangers or inhabitants are ſubiect to the ordinarie courſe of the law, for the determination of Merchants differences. They will alſo free them from all debts owing by Kings, Princes, and States, ſo that the ſubiects goods ſhall not be lyable thereunto, to the end that trafficke be not interrupted.

Townes of refuge.

The Officers or Serieants which make theſe arreſts are knowne by their habite, or by a rod to be ſeene in their hands, and may not by ſtealth come vpon a man, wherby many inſolencies are preuented, and Serieants are not ſubiect to be killed, as many times they are with vs. And if they haue not their habits or colours, no man is to aſſiſt them if they be abuſed, and the reſcuing of a man then is no offence: and howſoeuer, if a man Arreſted, or to be Arreſted, do run away, euerie man giueth him way, as deſirous to helpe him, to keepe him out of troubles, accounting the Arreſting of a man to be a part of the hangmans office: and neuertheleſſe, their hangmen are ſeene to be alwaies in rich apparrell, and are reputed as neceſſarie members in a common-wealth; whereas in England it is verie contemptible and baſe.

Officers knowne by their habits.

Returning to ſpeake againe of Attachments, it is a matter of great conſideration with vs, not to admit any to be done either in London, or any other citie or towne corporate, according to the cuſtome of London, vnleſſe it be vpon plaine ſpecialties, and alſo with putting in good ſureties for the coſts: for it is a verie dangerous thing for Merchants dwelling beyond the ſeas, as alſo Merchants which dwell in remote places of the kingdome, hauing their Factors at London, if they vpon any ſurmiſe or pretence of debt ſhall make ſecretly any Attachment in their owne hands of their maſters goods, either when they

Attachments to be granted vpon ſpecialties.

they know their maſter to be dead, or trauelling in ſome forreine countries vpon a long voiage, as occaſion may fall out, and ſo by practiſe deceiue them of their eſtates, by pleading afterwards the ſaid Attachment or Iudgement had thereupon in bar, as aforeſaid.

## CHAP. XII.

### *Of Sequeſtrations and Executions.*

THe magiſtrates conſidering, that abuſes may be committed many waies by attachments, do commonly vſe Sequeſtration of goods by deliuering them into the hands of a third perſon, or taking of them into their owne cuſtodie or power, for by theſe meanes alſo are many attachments preuented, which men would do, if the diſpoſing of the goods or debts did come into their owne power, wherein they haue a care not to feed the humour of contentious perſons, which is meerely contrarie to the courſe of trade, which is the cauſe that in the execution of their ſentences (wherein the life of the law doth conſiſt) they do proceed *gradatim*, and if any ſuch Sequeſtration is made vniuſtly, or without cauſe, the Ciuile Law, as alſo the office of Priour and Conſulls (hereafter declared) will giue good coſts and dammages.

Execution is the Life of the Law.

Conſiderable Executions.

In the proceeding of the ſaid Magiſtrates, there are many perſuaſiue meanes vſed by them, in the behalfe of the debtour with the creditor, to bring him to a compoſition, if not, then ſome Officers are ſent to the parties houſe to keepe him, as it were, a priſoner, to whom he muſt giue meat, drinke, lodging, and a daily fee, according to the Iudges appointment, and as the matter may be of moment, to the end that by this pecuniarie puniſhment, he may cauſe him to pay or ſatisfie the creditor, which is aggrauated by ſending two Officers at the firſt, then two more, and ſo ſix or eight of them to eate him out of houſe and home; for theſe men will gnaw him to the verie bones, and are therefore called Clyuers or Deuourers. But if the debtor will not endure this, and do go wilfully to priſon, then the creditor muſt find the debtor maintenance, at the diſcretion of the Iudge, who may, if he will, preſently put him to bread and water, which is

ſeldome

ſeldome or neuer done; but when it is knowne that the partie hath meanes, and will not ſatisfie his creditor, who (after the impriſonment of the perſon) cannot come vpon the goods againe, according to the common lawes of the realme, then he is to be kept in *Arcta cuſtodia*, with bread and water for a time, at the diſcretion of the Iudge. But if the debtor be ſo poore, and notwithſtanding hath ſuch a cruell aduerſarie that will make dice of his bones, that is ſay, to haue his debtor die in priſon, and to hang vp a bale of dice for him in the Crowne Office, as is done by the Officer in place, or the Goaler; then hath the Law beyond the ſeas prouided ſome reliefe for this poore man: for the cuſtome is (in Germanie, France, Italie, Spain, and the Low Countries) that no man is impriſoned for debt aboue a yere and a day, in which time the creditors haue power to take, ſeiſe, and ſell all the eſtate of the debtor; which being done, or before, the woman in moſt places may claime her dower for her reliefe & children, and the reſt is diuided amongſt the creditors as far as it will go, and ſo the debtor is freed from thoſe debts for euer: for by the Ciuile Law, *Qui vult cedere bonis, liberatus eſt a debito*, if the debtor do relinquiſh his eſtate to the creditor, he is free from the debts, and all goods falling to him afterwards are his owne. But this man is euer after diſabled to come to any preferment, and ſuch a creditor as is the cauſe of it, will be hated and accounted worſe than a Iew or Pagan. For the manner of *Cedere bonis*, or to make ceſſion of goods, is verie hainous, and of wonderfull diſgrace; ſo that moſt men will rather die in miſerie, than to come vnto it, becauſe it happeneth not once in twentie yeares: yet is it farre inferiour to the puniſhment of the pillorie, or the ſtriking ouer the legge vſed in Ruſſia at the creditors inſtance, whereby the debtor is ſet at libertie, and the debt paid. The partie commeth before the towne-houſe, and ſtandeth vpon a ſtone in the view of all the people, and vnlooſing his girdle, he deſireth them, and all the world to take notice, that he hath nothing left him to pay his creditors, and ſo renounceth all, what may be found to be his, or what any manner of waies he might pretend: and in token thereof, he may not weare his girdle any more, nor be imployed in any buſineſſe as a liuing man; yet afterwards by ſome compoſition to be made with the creditors, he may be reſtored by a declaration to be made by ſome Officer vpon the ſaid ſtone, and then he is permitted to weare his girdle againe.

*The manner of Cedere bonis.*

In the ſaid countries, no gentleman or man of qualitie, may be impriſoned at all for debts, his eſtate onely is liable thereunto, and yet with reſeruation of ſuch neceſſarie things, as Honeſtie, Honour, Humanitie, and Chriſtianitie doth challenge: namely, the ſouldiours Perſon, his Armes, his Apparrell, Bed, and Chamber conueniently and neceſſarily furniſhed, which may not be taken for debt: and the like reſeruation is made to euerie other man of qualitie, ſo that impriſonment of men bodies for debt (according to the common practiſe of England) is a greater burden and bondage, than is to

be

be found in any other christian or heathen countrie.

And for asmuch as the mischiefe and incoueniences, arising to the King and Common-wealth, by the imprisoning of mens bodies for debt, haue beene propounded heretofore in Parlement, by a printed remonstrance which (like vnto a Pamphlet) may be lost, whereby good matters are many times put in obliuion, I haue thought conuenient to make an abstract thereof, in the maner, as the said reasons are laid downe, to be inserted in this booke, in hope of some releefe vnto decayed Merchants, whose estates may remaine liable to answere their creditors, without imprisoning of their bodies, against the Law of God, the Law of man, the Rule of justice, the Law of conscience and christian charitie and against the Practise of other countries, as aforesaid, and finally against the creditors owne profit.

Against the law of God.

The Law of God, willeth and commaundeth euerie man to follow a vocation to doe the honour, duties, and seruices, owing to his Prince and countrie, and Parents, and to maintaine his wife, children and family, and to instruct them, in the feare of God; so that whatsoeuer, directly or indirectly forbiddeth the said christian duties, in the performing thereof (by an imprisonment) is against the law of God, whereupon all humane lawes ought to be grounded. No law of God, willeth or commaundeth imprisonments of mens bodies for debt, nor is it warranted by any example in the word of God, and the efficient meanes bringing men into prison as vsurie is, appeareth plainely to be forbidden by the word of God, as hath beene noted out of the old law, neither hath the law of the Gospell a word of commaund or warrant for imprisoning a christian brother for debt, but rather containeth a commaund to relieue him if he be fallen into decay, to take care how and wherein he shall sleepe, to set him free at sixe yeares end and then to reward him.

*Exod.* 22. 26.
*Deut.* 23. 19.
*Leuit.* 25 35.
*Ezech.* 18 8.
*Ieromy* 34. 14.

Against the law of man.

By the Law of man it was not so, *Ab initio*: for by the Common Laws of England, which are the most ancient, most eminent, & most binding lawes, no man may be taken or imprisoned for debt, but the creditor was to take satisfaction, vpon the debtors estate of goods & lands, according to *Magna Char.* 3. *H.* 3. and 14. *Ed.* 3. although after accountants onely were to be imprisoned vntill they paied, which was made generall against all debtors by the statute of the 25. *Ed.* 3. *cap.* 17. yet prisoners in Execution, might and did follow their vocation and affaires, by baile, mainprise or baston, as by the statute of 1. *Rich.* 2. *cap.* 12. and from that time forwards, were prisoners tied vp shorter to the writ of *Habeas corpus* or the Kings speciall mandate, vpon surmises, that the said debtors made secret estates in trust to defraud their creditors or were wilfull and obstinate to pay them, being able. To answere these obiections, it is vniust to punish all promiscuously, aswell frauders, as non frauders, without and before any proofe made; yet if the fraud were proued or his abilitie and sufficiencie either, there is no cause to imprison his bodie, because the law doth giue the estate fourthwith to the creditor, whether the debtor will

Habeas corpus.

will or no: ſo it is ſtill needleſſe to impriſon the bodie, for twentie yeares impriſonment diſcounteth neuer a pennie of the debt, and yet the debtor hath ſuffered more miſerie and puniſhment, than a guiltie Traytor or Rebell ſuffereth for the higheſt offence.

It is againſt the rule of Iuſtice and law of Nature, that men equally free borne ſhould be depriued of the common and equall libertie, and bee giuen into the power of another without criminall cauſe or guilt. *Againſt the rule of Iuſtice.*

The debtor is either puniſhed for guilt or coherſion: if for guilt, it is againſt the rule of Iuſtice; for to bee found a debtor in the Law, is no criminall guilt, and therefore vniuſt to puniſh him criminally: If for coherſion, to make the debtor bring forth his eſtate to the payment of the debt; it is alſo againſt the rule of Iuſtice to enforce a man by puniſhment to doe that, which appeareth not to be in his power, or whereof the Law is alreadie certified that there is not wherewithall to doe, according to the purport of the *Capias* granted againſt the bodie by the Common Law.

It is alſo againſt the rule of Iuſtice to thruſt all kind of debtors into a priſon together in a heape, without reſpect to the different qualities of men, to more or leſſe guilt of fraud or obſtinacie, or whether it bee an honeſt or an vſurious debt, to more or leſſe meanes of the debtor, whereby hee muſt liue or ſtarue in priſon, or to the holding him one or twentie yeares in priſon; for ſome are great debts for thouſands, ſome are ſmall debts for trifles, ſome are ſuppoſed debts not yet proued, and in truth ſome are no debts. But for certaine all (or nine in tenne) are vſurious debts and forfeitures, ſcarſe one honeſt debt of a hundred, but all by vnlawfull gaine vpon corrupt and deſperate aduentures. *Plutarch* in *Solons* life.

But it wil be ſaid that impriſonment is no puniſhment, for priſoners liue at eaſe and pleaſure, &c. according to the receiued opinion: but the miſeries and afflictions of impriſonment are inexplicable and cannot bee conceiued by any that haue not felt or had proofe thereof.

The auncient Romanes conſtrued and reputed impriſonment to bee a guard, or ſafe keeping of ſlaues and bondmen; but a heauie puniſhment to free borne men: and it is recorded that the Prophet *Micha* was ſent to priſon to bee fed with the bread of affliction.

For impriſonment is a corporall puniſhment, a griefe and torture of the mind, a long and lingring dying, and ſometimes a ſhort killing by plague, &c. it ouerthroweth a mans reputation, and deſtroyeth all that is good and deare vnto him; his kindred grow ſtrange, his friends forſake him, his wife and children ſuffer with him, or leaue him, or rebell, or degenerate againſt him, and lye open to all diſgrace and villanie of the world, in whoſe miſeries the priſoner ſuffereth more than in his owne ſufferings: before him the ſight of all theſe miſeries and euills, and (which is not the leaſt) he lies open to euerie arrow of ſcandall or calumnie, that a malicious aduerſarie will ſhoot *A diſcription of impriſonment.*

at

at him, which he can neither reſiſt nor auoid, becauſe hee is abſent to confront them: behind him griefe for loſſe of libertie, credit, friends, eſtate, and all good fortunes; his baile and ſureties (who commonly are his neereſt kin, or deareſt friends) lye in the power of his aduerſarie, or are alreadie impriſoned. To ſay nothing of ill ayre, ſtraight place, hard lodging, vnwholſome diet, with the noiſe, noiſomnes, peſtring and fettering the body of the priſoner, as the leaſt of many euils.

Againſt Conſcience and Charitie.

Let this be weighed in the ballance of Conſcience and Chriſtian Charitie, and you ſhall find that theſe proceedings cannot ſubſiſt, for they are againſt the Law of God, and not warranted by Scripture. But to induce diuers neceſſarie conſequences for proofe hereof, we are to conſider how many wayes any man may guiltleſly and innocently fall by the Law, be conuict of debt or damages, and caſt into priſon thereupon, *viz.*

Guiltleſly or innocently.

By miſpriſion or ignorance of himſelfe or his Atturney; in pleading of the cauſe by careleſſe or vnskilfull Councellors, eſpecially when falſe things are cunningly laid, or true things vncertainly laid.

By the neceſſitie of the defendant, wanting meanes to pay his Atturney or Councell, and by combination of the aduerſarie with the defendants Atturney, Sollicitor, or Councellor, or with the witneſſes or Iurors, for loue, malice, or ends of their owne.

By periurie of witneſſes, in concealing, peruerting, and miſapplying truth, or depoſing vntruth, and by ſubornation of Witneſſes, Iurors, or Officers in the impannelling of Iurors, and corruption of the Iudge.

By caſualties.

A man may likewiſe be diſabled and become inſoluent, by as many caſualties and acts of honeſt and good intentions, and conſequently become a debtor, and be caſt into priſon thereupon; as by ſuretiſhip, baile, or ſecuritie for kinſmen, friends, or others; likewiſe by loane vnto them, who pay not againe; alſo by falſhood of friends, ſeruants, and others put in truſt with monies, euidences, office, trade, and lands: Againe by mouing a iuſt ſuit in Law, where might, practiſe, or falſhood ouerbeareth him, or many yeares ſuit conſumeth him.

Alſo by fire, water, ſhipwracke, and ſuch like ſudden and vnreſiſtable accidents at ſea; or at land, by robberie of Theeues and Pirats.

By vnprofitable buyings and ſellings of Lands, Leaſes, Merchandiſes, &c.

By arreſt, ſeizures, or pretences and detriment of forraine Princes.

By ſudden loſſe of friends or maſters, on whoſe fauour any mans eſtate dependeth: alſo by errours in making or keeping reckonings and accounts, or by loſing or not calling for Acquitances, Bils, Bonds, Releaſes, or Ingagements and Aſſurances, for Warranties, Annuities, Dowers, Ioyntures, Legacies, and ſuch like.

By Vſurors and Vſurie, eating vp a mans eſtate by intereſt and forfeitures, and by a multitude of other meanes, whereby no man is ſecured but may become a debtor and inſoluent.

And this Law taketh no conſideration, or admits no information hereof

hereof, but in *Summo Iure*, giueth the whole forfeiture without any conſcionable reſpect, and the after proceedings are ſutable: for after iudgement, though the debtor by his goods diſcharge ninetie and nine pounds, of one hundreth pounds principall; yet the bodie is ſubiect to be impriſoned, till he pay the whole forfeiture of two hundreth pounds: and the words of the Statute are, That if hee haue no goods nor chattels, or not enough to ſatisfie the whole, his bodie ſhall be impriſoned for the reſt, till he make payment or agreement, *Marlebridge Cap.* 23, *Anno* 52 *H.* 3, &c. *Summum Ius.*

So euerie way it is in the abſolute will and power of the creditor, to caſt the debtors bodie into priſon; when in all conſcience and equitie, if he haue no meanes to pay, he ought to be let out of priſon, or not to be impriſoned at all, becauſe the debtors bodie can giue no ſatisfaction to the creditor, being in it ſelfe conſidered.

Some priſoners haue meanes and are willing, but cannot pay, either becauſe the preſent power of their eſtates is not in them, or in regard of the time, that they cannot ſell or receiue payment, or in regard of the worth, for ſcarce any will buy a priſoners lands, leaſe, or goods at halfe the worth: or in regard of others interreſſed, without whoſe conſent hee cannot diſpoſe thereof, or the eſtate is intangled with dowers, joyncture, warranties, aſſurances, ſtatutes, &c. Some haue not meanes ſufficient to pay all, and ſome haue no meanes at all, and are kept in priſon becauſe they haue rich friends, who for their ſake liue and die miſerably in priſon. Meanes to pay & yet cannot.

Some haue meanes and will not pay, of fraud and obſtinacie; but of theſe there is hardly found one in a hundred: for if that were ſo, the creditor (who ſearcheth the verie reines of the debtor, and his eſtate) will rather ſeiſe and recouer the priſoners eſtate, than caſt him into priſon, where if he die he loſeth all.

Now if an honeſt man may innocently fall in the Law, by ſuch a multitude of accidents, practiſes, and errours of others, and by doing iuſt and friendly offices to others, and may faile alſo in his eſtate, and become inſoluent by ſo many wayes, caſually and cauſeleſly in himſelfe, and by the fault and errors of others, and cannot be a criminall debtor but one way, which is by fraud and obſtinacie onely (of which ſcarce one example is to bee found in a hundred,) how can it ſtand with any charitie or conſcience to neglect and paſſe by ſo many circumſtances, and to fall vpon the debtor with ſuch crueltie, by laying ſuch a heape of miſeries vpon him, his wife, children, and reputation at once, as impriſonment bringeth?

It is true that the ancient Common Lawes of England, are verie ſtrict in this point of maintaining Pacts and Contracts; but the contracts of thoſe times were ſimple, honeſt, and legall, and the recouerie was againſt the eſtate only; for there were no penall bonds knowne, nor vſurie practiſed by Chriſtians when thoſe Lawes were made; but all our contracts and bonds, or the greateſt part, are corrupted with vſurie and forfeitures, which are extortion in a high degree: and to Recouery only againſt the eſtate.

force men to performe ſuch with the loſſe of their eſtates, credit, libertie, and many times of life too, is moſt inequitable.

The penaltie of Bonds vniuſt.

Eſpecially being the Law prouides euerie creditor his full damage, without the help of a penall Bond, which ſheweth that all forfeitures are needleſſe: and they are vniuſt alſo, for they make the vſurer iudge of his owne damage, which of right belongeth to the iudgement of the Law.

But it will be ſaid, that the Chancerie doth mitigate the hardneſſe and rigour of the Law in vſuries for forfeitures, and that wrong judgements may be reuerſed by Attaint, Errors, *Audita Querela*, &c.

The anſwere is, That the remedie is worſe than the diſeaſe, for all courſes of reliefe by Law in Chancerie, are hard, tedious, vncertaine, long, and extreame chargeable; and it is a lamentable caſe, that when the debtor is vniuſtly or vnconſcionably caſt in the Law, ſtript of his eſtate, his bodie impriſoned, his libertie tied vp, his credit deſtroyed, and his friends baniſhed; then to ſend him ſo diſabled to ſeeke remedie by new ſuits in Chancerie, which are chargeable aboue meaſure: and with the ſame extremitie doth the Statute of Bankrupts deale with the poore debtor, as heretofore hath beene declared.

That priſoners are compaſſed with a multitude of ineffable miſeries, and heauie afflictions, and therefore ſome cannot chooſe to become weake in faith, ſtaggard or deſperate, when there is no man to ſpeake a word of comfort in due ſeaſon, appeareth by the miſerable ends of many deſperate perſons, whereby one with ſhame and diſtemperature loſeth his ſenſe and dyes, another for pouertie and want periſhed, one with feare and griefe breakes his heart outright; anothers heart that cannot breake, the deuill is readie to teach him deſperately how to make way: one vncharitably flies from his keeper, another deſperately aduentures his life to breake priſon; and finally many are careleſſe and giuen to all vices. For faith is rightly compared to a Lampe, which muſt haue oyle continually to maintaine their light, which otherwiſe is ſoone exſtinguiſhed. So doth the Word of God maintaine Faith by continuall preaching, whereof priſoners are deſtitute for the moſt part.

Faith compared to a lampe.

*Obiection.* Some men will excuſe the vnconſcionableſſe of the Law, alleaging that in ſeazing the debtors bodie and goods, and giuing way to vſuries, forfeitures, and corrupt bargaines, the Law doth no more than the debtor himſelfe hath contracted vnder his hand and ſeale: And *Volenti non fit iniuria*, whereunto it is anſwered.

*Anſwere.* 1 Firſt that the guilt of the Law cannot bee ſo waſhed off, for in debts where there is no contract vnder the debtors hand and ſeale, the Law giues the debtors goods, and his bodie into priſon at the creditors will.

2 That the debtor is not *Volens*, for it is againſt euerie debtors will to pay vſurie or forfeiture; but hee is preſſed thereunto by his owne neceſſitie on the one ſide, and by the creditors vncharitable will on the other, who will not lend but for vſurie and forfeiture.

3 The

3 The common saying (*volenti non fit iniuria*) is a false position, else it is lawfull to knocke a man in the head that is willing to die, which is absurd; for the will or consent of the partie vnto an act that is in it selfe vniust, cannot make the act iust, nor iustifie the actour.

It is also obiected, that if mens bodies may not be imprisoned, how shall they recouer their debts?

Answere, vpon the debtors estate only, as this kingdome did heretofore, and other kingdomes now do, and therefore let the creditor ground his trust thereupon, and trust no further than the creditors estate, for thence onely can he haue true satisfaction. It is replyed, That there will be no more credit giuen if mens bodies may not be imprisoned, and consequently, trade and comerce wil decay. Answer; honest trade, honest contracts, and honest trust will notwithstanding be as plentifull, for while there is the same vse, necessitie, and profit by commerce, there must needs be the same effect: True it is, that vsurious contracts will bee more relatiuely made to euerie mans estate, credit and honestie, as they did in the times of the old law and of the Gospel, and yet do in politicke gouernments.

Against the creditors owne profit.

It is against the creditors owne profit, for all meanes of satisfaction must arise either out of the debtors credit, out of his labour and industrie, out of the will of his friends, or out of his owne estate; and all things that depriue or disable the debtor in any of these, do weaken and lessen his meanes, and consequently tend to the creditors preiudice and disaduantage. Herein it is not needfull to rehearse all the former miseries decreasing the debtors estate: for dayly experience proueth, that many debtors haue offered at the first to pay the principall debt, or halfe, before they were cast in prison, which afterwards by more troubles and charges commnig vpon them, were disabled to pay any thing: how prepostorous and absurd is it then to cast the debtors bodie into prison, where his estate is wasted, his credit spoiled, his fortunes and vertues lost, his bodie afflicted, his life consumed and murdered, and whereby the creditor bars himselfe from all remedie against his estate for euer?

The consideration hereof maketh the debtor to retaine in his hands what they can to maintaine themselues, their wiues and children, and to keepe them from perishing, which maketh also against the crditors profit.

To the preiudice of the king and common-wealth.

The bodie of euerie subiect belongeth to the king, and euerie subiect is a member or single part of the bodie of the common-wealth, so that to take this bodie, and to cast the same into prison for debt, where he must lie rotting idlely and vnprofitably all the daies of his life, and die miserably, is no other than to strip and rob the king and common-wealth of their limbes and members, and consequently of the seruices and endeauours of a great number of subiects yearely, of all degrees and professions to do seruice to the king and common-wealth; which number of prisoners exceedeth all the prisoners in all other countries.

It is therefore in christian Charity wished, and in all Godly Policie desired, That the bodies and endeauours of all debtors, may be free from imprisonment, and the creditors recouerie be made against the debtors lands and goods, according to the ancient fundamentall Laws of this Kingdome, being most consonant to the Law of God, to christian Charitie, to the rule of Iustice and to godly Policie as aforesaid; And that *Interim*, the releife of prisoners may be permitted, which the late Queene *Elizabeth* granted for her and her Successors in the 28. yeare of her Raigne, by a large Commission recorded in the high conrt of Chancerie; the exemplification whereof was by all prisoners for debt humbly desired.

Many other reasons are alledged in the said remonstrance inuectiue against vsurie and vsurors which I haue omitted; and hereunto let vs adde certaine obseruations in generall concerning executions.

*The Law is said to be a mute Magistrate: but the Magistrates are a liuing Law.*

THe strength of the Law is in commanding, and the strength of commanding is in the constraining or executing of the Law, which belongeth vnto Iudges and Magistrates. The consideration hereof did produce a diuersitie of opinions whether Iudges or Magistrates ought to be for a time or terme of life, the often changing of them being according to the custome of the Romans, who did instigate men to accuse those that had not discharged the place of their office duely, whereby wickednesse was not onely punished, but also euerie man (through emulation) did endeauor himselfe to follow vertue and to discharge the place of his calling. Besides whereas vertue in all common-weales is the principall point whereat men aime, and whereunto the Law doth bind them: So the distribution of offices is a reward of vertue, which cannot be done to many, when they are giuen in perpetuity to some few, which many times hath beene the cause of sedition by the inequall distributions of rewards and punishments in some Common-weales. True it is, that there are many inconueniences if the officers be but for one yeare or a short time, to the hinderance of the publike good: for they must leaue their place, before they know the duty of it, and commonly vnto one that is but a nouice in the place, whereby the affaires of the Common-wealth fall into the Gouernement of such as are incapable thereof and without experience. And if they be fit for the place, their time is so short, that it doth vanish away in feasts and pleasures, and matters either publike or priuate doe remaine vndecided; and euerie thing protracted without due administration of justice, besides how is it (in common sence and reason) possible, that he should command, with the effectuall power of a Magistrate, that within a litle while is (as it were) a cipher, without power or authoritie?

Customs of the Romans about execution of lawes.

Inconueniences of yearely officers.

what

what ſubiect will yeeld him due reſpect and reuerence? whereas on the contrarie, if his office be perpetuall and his eſtate aſſured, he is reſolued boldly to reſiſt the wicked, to defend the good, to reuenge the iniuries of the oppreſſed, and euen to withſtand tyrants, who manie times haue beene aſtoniſhed to ſee the conſtancie of the Iudges and Magiſtrates in the execution of juſtice, according to the law: and herein is the common law excellent, becauſe the Iudges and Magiſtrates are authoriſed accordingly for terme of life, as the dignitie of the place requireth; and are alſo choſen with great ſolemnitie, in regard of their integritie, knowledge, and experience in the lawes, whereof they are the ornaments, whereas to call the yearely Iudges in queſtion, after their time expired, is a derogation and diſhonour to the lawes in other countries.

Commodities had by Iudges permanent.

The Sherifes and many other Officers which put in euery countie the writs, commandments, and iudgements of the courts in execution are remoued euerie yeare, and the ſame being expired, they may be called to account, to anſwere for any miſdemeanors committed by them during their office by the ordinarie courſe of the law, which maketh them vigilant and circumſpect in the execution of their places which they ſupplie, either perſonally, or by deputies for whoſe offence they muſt anſwere.

Subalterne Officers annuall.

This authoritie and ſeueritie of the Iudges therefore doth preuent manie miſchiefes, putting a feare in the hearts of the offendors of the law by the rigour thereof, which in criminall caſes is called by ſome crueltie. But the mercifull Iudge is more to be blamed in theſe caſes than the ſeuere, becauſe ſeueritie maketh men to be obedient vnto the lawes, whereas too much lenitie cauſeth contempt both of Lawes and Magiſtrates. Neuertheleſſe, as there is in all common-weales two principall points which the Magiſtrates are to conſider, namely Law and Equitie, ſo the execution of law is to be conſidered by the Magiſtrate, who ſometimes being too ſeuere, may do more hurt to the common-wealth than good; ſeing the intention of thoſe that made the law, was to prouide for the good of the common-wealth; *Salus populi ſuprema lex eſto.*

Lawes intention is the common good

This may be ſaid eſpecially in regard of the ſtatute Lawes, whereof we haue the example of *Empſon* and *Dudley* freſh in memorie, who being priuie Councellors to king *Henrie* 7, cauſed the penall lawes to be ſtrictly executed againſt his ſubiects, whereby the king gathered much treaſure with the loſſe of the loue of his ſubiects, which was much diſpleaſing vnto him, as the Chronicles of this realme haue recorded. Becauſe there is nothing ſo effectuall to cauſe the prince to be called a tyrant than this courſe of ſtrict execution of lawes, which hath an affinitie with the ſaying of *Nicholas Machiauell* ſometimes Secretarie to the great Duke of Tuſcanie, touching the condition of men in generall. *It is miſerable that we cannot do all things; More miſerable to do that which we would do; and moſt miſerable to do that which we can do.*

The ſaying of *Machiauell.*

Informers neuertheleſſe are neceſſarie members in a common-

wealth, for the maintenance of lawes, which otherwiſe would be fruitleſſe, or made as it is ſaid by ſome, *propter terrorem*; for preuention whereof, it is verie commendable to preſerue this life of the law, conſiſting in execution: which was the cauſe that commiſſioners haue beene heretofore appointed, to retaine men in their dueties, as the Nomophilats in Greece, the Cenſurors amongſt the Romans, the Ephores at Lacedemon, the Areopagits at Athens, the Viſitors in Spaine, and the Commiſſioners of Troyle, the Baſton in *Edward* the firſt his time; for all humane actions are ſo flexible to euill, that they haue need of a continuall remembrancer to vertue for the conſeruation of the publicke good.

Commiſſioners to retaine Officers in their dueties.

If we will make a compariſon betweene the execution of Criminall cauſes and ciuile, we ſhall in a manner find the ſame to be all one effectually: for the generall manner of death impoſed by the law, is hanging, where in other countries they haue diuers manners of executions, according as the fact is haynous. Murder (being a great offence) hath in all ages been puniſhed with death, but ſtealing of goods was alwaies taken to be much inferior, becauſe the law of God did not puniſh the ſame by death, as is now vſed; and yet a death by ſudden execution, is better than a lingering death by famine, impriſonment, and other aduerſities, before remembred.

The effect of the kings Prerogatiue Royall (to be mercifull euen when law hath had her full courſe) is to be ſeen rather in cauſes ciuile than criminall, and that in the reliefe of poore diſtreſſed priſoners and others: ſeeing the Mercy of God (whoſe Lieutenants they are on earth) is aboue all his Workes; which maketh me to remember an error of the common people, which thinke the Iuſtice and Mercie of God to be contraries, for if they were, they could not be in God, becauſe the god-head being but one, and alwaies like it ſelfe, cannot admit contraries, and contraries they cannot be, being both vertues, whereas no vertue is contrarie to vertue, but onely oppoſite to vice: ſo that (reſpecting the Kings Prerogatiue in criminal cauſes when the law hath determined death or puniſhment by perpetuall impriſonment or baniſhment) the King (imitating Gods mercie) doth reſtore life, freedome, and libertie, much more may the King do the ſame in ciuile cauſes (when the law commaundeth impriſonment vntill ſatisfaction be made of the iudgement) giue libertie and prolongation of time, as hauing an intereſt in the perſons of his ſubiects, as we haue obſerued. I haue herein been the more ample, becauſe it concerneth the life of many honeſt men &c.

Iuſtice and Mercie in God are not contraries.

CHAP.

## CHAP. XIII.

### *Of Denization and Naturalization of Merchants.*

THE manner to make Merchant ſtrangers, Artificers, or Handie-crafts men to be Denizons or Naturalized, was in times paſt without any difference: and they did enioy the like libertie and priuiledges, and were moſt commonly made by his Maieſties Letters Patents vnder the Great Seale of England, by his Highneſſe Prerogatiue Royall; whereby they did enioy all the freedome and immunities that naturall ſubiects doe enioy, and were ſo reputed and taken by the Lawes of the Realme, vpon their oath (made in Chancerie) of alleageance to the King and the Commonwealth. But the ſame was afterwardes called in queſtion, vpon the miſdemeanors of ſome forgetfull perſons, and then Denizons were made to pay Cuſtomes to the King, as ſtrangers, howbeit they might buy leaſes, lands and houſes as Engliſh borne ſubiects, and their children heere borne ſhould bee free, and pay but Engliſh Cuſtome fot goods imported and exported, and may become freemen of London, and buy cloth in Blackewell Hall and all other Markets, and tranſport the ſame where it pleaſed them, albeit the Merchants Aduenturers haue infringed the ſame. Neuertheleſſe (ſome priuiledge to pay Engliſh Cuſtome, being granted to ſome particular Merchants, by the Princes prerogatiues by Letters Pattents vndet the Great Seale) it came to paſſe that theſe were named Naturalized, which might be placed in offices, as Iuſtices of the Peace and *Quorum*, high Sherifes of the Counties, and other places of dignitie, and came to bee made Knights and Barronets, and ſome of them buying lands and leaſes, made great purchaſes, married their daughters vnto diuers Gentlemen and others, did alſo ſell lands againe, and bought other lands; which buying and ſelling of lands did require aſſurances to be made, and therein ſome Lawyers were of opinion, that by the Law the ſaid aſſurances were not of ſufficient validitie without an Act of Parlement, and then the Acts of Naturalization were made; but the making of Denizons was alwayes continued by his Maieſties Letters Pattents onely, and they are not ſubiect to the Statute of Employment,

Naturalized diſtinguiſhed.

Denizons not subiect to the Statute of Employment.

ment, albeit they pay ſtrangers Cuſtomes, and diuers other charges, which the natiue ſubiects doe not pay, whereof Merchants are to take notice.

No ſtranger which is a Mechanicall perſon, is much inclined to be a naturall ſubiect by Act of Parlement, becauſe of the charge of it, which may bee about 30 li: albeit foure or fiue perſons may ioyne together by petition to the Parlement, and haue one Act for them all, the forme whereof is commonly as heereafter followeth. And here note that a Merchant is in no danger, if hee be neither Denizon nor Naturalized; but may deale, trafficke, and negotiate at his pleaſure, but he may take no leaſes nor buy lands.

"IN moſt humble manner, beſeech your moſt excellent Maieſtie, your "humble and obedient Orators *I. L.* of Florence, your Maieſties "ſeruant *T. M.* &c. *R. B.* and *M. Q.* That whereas the ſaid *I. L.* the ſon "of *A. L.* and *L.* his wife ſtrangers, were borne at Florence in Italy, in "the parts beyond the Seas: and whereas, &c. And whereas *M. Q.* be-"ing the ſonne of *M. Q.* and *C.* his wife borne at Bridges in Flanders, "in the parts beyond the Seas in lawfull matrimonie, and hath (for the "moſt part) theſe twentie yeares remained and made his abode in Lon-"don, within your Maieſties Realme of England, during which time, "hee hath demeaned himſelfe faithfully and dutifully towardes your "Highneſſe, and your Lawes; yet for that both he and the reſt of your "Maieſties Orators were borne in the parts beyond the Seas, they can-"not take benefit of your Maieſties Lawes, Statutes and Cuſtomes of "your Highneſſe Realme of England, as other your Maieſties ſubiects "borne within this Realme, to their great preiudice, loſſe and hinde-"rance: It may therefore pleaſe your Highneſſe, of your moſt noble "and aboundant grace, that it may be ordained, enacted and eſtabliſhed "by your Highnes, the Lords Spirituall and Temporall, and the Com-"mons of this preſent Parlement aſſembled, and by the authoritie of "the ſame, That your Maieſties moſt humble Petitioners *I. L. T. M. R. B.* and *M. Q.* and euerie of them ſhall from henceforth bee ad-"iudged, reputed and taken to be your Highneſſe naturall ſubiects, and "as perſons naturally and lawfully borne within this your Maieſties "Realme of England; and alſo that they and euerie of them, ſhall "and may from henceforth by the ſame authoritie be enabled and ad-"iudged able to all intents and conſtructions, to demaund, challenge, "aske, haue, hold and enioy landes, tenements, hereditaments and "rents, as heire or heires to any of their auncеſtors, by reaſon of any "deſcent, remaine, reuert, or come to them, or any of them by any "other lawfull conueiances or means whatſoeuer, or which hereafter "ſhall come, &c. as if they and euerie of them had beene your High-"neſſe naturall ſubiects borne; and to hold and inioy to them, and "euerie of them ioyntly and ſeuerally lands, tenements and hereditа-"ments, or rents, by way of purchaſe, gift, graunt, or otherwiſe, "of any perſon or perſons to all conſtructions and purpoſes, as

though

though they and euerie of them had beene your Highneſſe naturall borne ſubiects: and alſo that they and euerie of them from henceforth may and ſhall bee enabled to proſecute, maintaine and avow, iuſtifie and defend all manner of actions, ſuits, plaints, and other demands whatſoeuer, as liberally, frankely, fully, lawfully, ſurely and freely, as if they and any of them had beene naturally borne within your Maieſties Realme of England, and as any other perſon or perſons naturally borne within the ſame, may in any wiſe lawfully doe: any Act, Law, Statute, Prouiſo, Cuſtome, Ordinance, or other thing whatſoeuer, had, made, ordained, or done to the contrarie in any wiſe notwithſtanding: And your Petitioners ſhall daily pray for your Royall Maieſtie long in honour and moſt ſafetie to remaine ouer vs.

This Petition in nature of an Act of Parlement, is deliuered to the Speaker of the Parlement, who vpon the ſecond reading in the Commons Houſe, procureth the ſame to bee referred to certaine Committees before whom the Petitioners doe appeare, and (after examination) if there be no apparant cauſe that might croſſe them, the Bill is returned into the Parlement, and read for the third time, as the manner is of all Acts, and then it is carried vp to the higher houſe, and there it is commonly of courſe alſo read three times and ſo allowed, and there it doth remaine vntill the laſt day of the Seſſion of Parlement, and then the Kings Royall Aſſent is had thereunto, and there is written on the backeſide or within, theſe wordes *Le Roy le Veult*: And if it be an Act which the King will not paſſe, the Clerke of the Parlement writeth, *Le Roy S'aduiſera*, which is a cleane and abſolute refuſall, and all which was done, is void and cannot bee reuiued in another Parlement, without to begin all from the beginning againe. So much for England. The manner of proceeding in Parlement.

In France all ſtrangers that are not borne within the Kingdome, and reſide or dwell in the ſame, are ſubiect to the right of *Aubeine* ſo called *Tanquam, Alibi nati*: for after their death (if they be not naturalized) the King doth ſeiſe vpon all their goods they haue in France, and appropriateth the ſame to his Exchequer or Finances; without that the ſaid ſtrangers can diſpoſe thereof by Teſtament or Will, or that their lawfull heires can claime the ſame, howbeit they may giue them, and diſpoſe thereof, whiles they liue by contracts made betweene them. A ſtranger alſo not dwelling within the Realme, yet hauing gotten wealth or meanes within the ſame, may diſpoſe of it vnto his heyres and others, although they were ſtrangers. Alſo if a ſtranger trauelling through the Kingdome of France ſhould chance to die, his heires ſhall enioy his goods which hee hath left at the time of his deceaſe in France. Aubeine in France.

But when a ſtranger taketh letters of naturalization, then may hee get wealth and poſſeſſions within the Realme lawfully and freely: which letters of naturalization muſt be recorded in the Chamber of Accounts, vpon paine of a penaltie payed to the King, and his lawfull

full heires ſhall enioy the ſaid poſſeſſions and goods; ſo as hee be nature of the Realme, or any other to whom the ſame be giuen by Will or Teſtament, ſo as he alſo be naturalized, as aforeſaid.

But *Monſieur Papon* the Ciuilian ſaith, That it is not ſufficient for one to enioy the ſame, to bee borne within the Realme, but it muſt be alſo of a woman taken in marriage within the Realme: and heerevpon alleageth an arreſt or ſentence of the Parlement of Paris, whereby a coſin of a ſtranger deceaſed, was preferred before the ſiſter, becauſe the coſin was born within the realme, and dwelling in the ſame, and the ſiſter did not dwell within the Realme, and was borne in another countrey, albeit ſhe cauſed her ſelfe to be Naturalized after the deceaſe of her brother, whereof the Court had no regard, becauſe the goods by ſucceſſion were gotten before, which could not be made void by the Kings Letters Pattents. *Monſieur Banquet* is of opinion, That a Frenchman being departed the Kingdome, for to dwell in another countrey, that his goods preſent and to come doe appertaine vnto the King, and cannot diſpoſe thereof by Will or Teſtament, as it hath beene proued by diuers Decrees of Parlement. The King is Lord of all vacant goods, and therefore wiues and children are to take Letters of Naturalization to purchaſe their quietneſſe. And if any ſtranger borne and naturalized, ſhould bee out of the Kingdome ſome eight or ten yeares vpon eſpeciall occaſion or otherwiſe, hee is at his returne to take new Letters of Naturalization, or a confirmation of the former by ſome approbation.

An obſeruable conſideration.

And herein is a ſpeciall point to bee noted, as a matter of record; that thoſe of Flanders, Millaine, and the French Countie of Sauoy, are not bound to take Letters of Naturalization to dwell in this Kingdome, becauſe the French Kings pretend that the ſaid countreys are theirs, and were neuer alienated by any conſent of theirs, but are countries which at all times haue belonged to the Crowne of France, who doth acknowledge the ſubiects to bee true and loyall Frenchmen. But it is requiſite if they come to dwell and inhabite within the Realme, that they take Letters of Naturalization, to the end the Officers do not moleſt or trouble them.

By the premiſſes wee ſee, that the Naturalizing in France is farre more compulſorie for Merchants than in England; howbeit that in both Kingdomes, if a ſtranger Naturalized (after many yeares that hee hath inhabited the ſame) bee deſirous to returne to his father-land or natiue countey, he may ſurrender his Letters Pattents, and bee diſcharged of his oath.

(***)

CHAP.

## Chap. XIIII.

### *Of the determination of Sea-faring causes.*

HAuing now hitherto intreated of the Customes of Merchants, with their Adiuncts and Accidents, and therein obserued Time, Number, Weight and Measure, as also the three Simples and Essentiall parts of Trafficke, with their Effects and Properties: let vs now consider of the Manner and Methode of the proceedings therein, to see by what meanes they are determined and executed; for in the execution consisteth the life of all lawes, and the perfecting of mens actions which aime at some certaine end. For it hath beene well obserued by some, that the actions of a wise man and a foole differ in this, That the wise haue a regard to the end in what they vndertake, and the foole without consideration permitteth the end to manifest it selfe: whereof ignorant men iudge according to the euent, although the enterprise were neuer so aduisedly taken in hand, and as if the successe did not depend vpon the diuine power, to be guided by his prouidence.

*Differences betweene the actions of a wise man and a foole.*

The determination of all causes and controuersies, especially of Merchants affaires is done and executed, as followeth.

*Foure meanes to end controuersies.*

1 Concerning Sea-faring causes which are determined according to the sea-lawes alreadie written, and in the premisses abridged, wee shall in this chapter briefely declare the manner of it.

2 The second meane to end controuersies, is by Arbitrators chosen and elected by both parties to end their differences with breuitie and expedition to auoid suits in law, which vnto Merchants are inconuenient.

3 The third meane, is the authoritie of Prior and Consulls of Merchants for the Merchants Courts, according to the priuiledges which princes haue granted vnto them for the aduancement of their trafficke, and maintenance of their Customes, whereof most Iudges are either ignorant, or contented to determine matters accordingly.

4 The fourth and last meane, to determine questions and differences is by the ciuile or imperiall law, or the common law of the kingdome or jurisdiction of the seuerall dominions of princes, according to the fundamentall lawes of them; wherein we are especially to obserue, That the Law-Merchant is predominant and ouerruling for

all

all nations do frame and direct their iudgements thereafter, giuing place to the antiquitie of Merchants Customes, which maketh properly their law, now by me methodically described in this booke, which alloweth to euerie man and nation his proper right and due, and hurteth no man, according to the three generall precepts of all lawes set downe by *Caius*, and after him by *Tribonianus*, namely: *Honestè viuere, Alterum non ladere, & Ius suum cuique tribuere*, whereof the second trieth and ruleth the two other, whereof more hereafter.

Three precepts of all Lawes.

Touching the first meane to determine Sea-faring causes, it shall not be needfull to speake much of the definition of an Admirall at the seas, called by the Romanes *Magnus Dux Classis*, and *Drungarius magnus*, or *Admiratus*, from *Amiras*, a word vsed by the Spaniard *to See*, or *Adelantado*, as going before the rest of ships; also by the Italians *L'amiraglio*, or Admiral in French, because his calling is known to all.

An Admirall.

But let vs obserue that for the readier obedience to the great Admiralls of the seas, it is agreed by common consent of all nations, that they should haue (in regard of their power ouer the liues of men) a soueraigne iurisdiction onely proper to themselues, in all Sea-faring causes and debates ciuile and criminall, so that no other Iudge should meddle therewith; and the Iudge of the court, being his deputie, iudicially to decide them by the Aduocats and other Assistants, for the better and iust proceeding of the said court. Also the Admirals clerk is verie necessarie; and herein it hath been thought conuenient, that all Proctors or Attorneys of that court should take their oath before they be heard, that they shall do nothing maliciously, but as soone as they find their action to be vnrighteous in any part of the proces, they are to tell it to their Clyent, and if the Clyent will insist, then to shew it to the Iudge: also that they shall not reueale their Clyents secrets to the aduersarie: and lastly, that they shall not propound, delay, nor be peremptorie against their consciences; and the like oath is to be taken of other officers at their admission.

The Admiralls Court.

Aduocates and Proctors, &c.

The Proctors oath.

The causes to be determined in the Admiraltie Court do extend verie far, and many are otherwise decreed or determined, especially by the Merchants Courts, and office of Assurances, whereas heretofore the Iudges of the Admiraltie did minister iustice vpon all complaints, contracts, offences, pleas, exchanges, assurances, debts, accounts, charterparties, couenants, and all other writings concerning lading and vnlading of ships, fraights, hires, moneys lent vpon hazard of the Sea, and all other seafaring businesses done on the Sea or beyond the Sea, with the acknowledging of writs and appeales from other Iudges, letters of reprizall or mart, to arrest and put in execution, to inquire within and without liberties, by the oathes of twelue men vpon all offences and trespasses, and namely:

Causes to be determined by the Admiralty

First, touching the reuealers of the King and Countrey their secrets ouer Sea, especially in time of warre.

Against Pirats, their assisters or abettors, Outreaders or Receiuers.

Against forteficrs of the Kings enemies, and harmers of friends.

A gainst

Againſt the breakers of the Admirals arreſts and attachments.

Againſt goods forbidden, and merchandiſe not Cuſtomed and yet tranſported.

Againſt the reſiſters of the Admiralls Officers in executing his precepts.

Againſt Foreſtallers, Regraters, and dearthers of corne and victualls, &c.

Finally againſt tranſporters of Traitors, Rebells, maniteſt tranſgreſſors, and fugitiues from juſtice, or caſters of ballaſt, ſand, or any other thing in harbours or channells, extortioners by ſhips and boatwrights, for taking away the boigh from the anchor, cutters of cables or towes, falſe weights and meaſures by ſea, ſhedders of other mens blood on ſea, or in any port, or lamed by miſdemeanour, Cuſtomers and Water-bailifes taking more cuſtome or anchorage than they ought, for abſenting from muſterings in time of warre, for all tranſgreſſions committed by ſea-men, ferry-men, water-men, fiſhers, pilots, ſhip-wrights, preſt men containing the Admiralls authoritie, and to amerce them for his owne benefit; the goods of pirats, felons, capitall offendors, their receiuers, aſſiſters, attainted, conuicted, condemned, and outlawed, waife and ſtray goods, wreche on the ſeas, and caſt goods, *Deodando*, that is to ſay, the thing, whether boat or ſhip &c. that cauſed the death of a man, or whereby a man did periſh, ſhares, lawfull priſes, or goods of the enemie, or *Lagan*, *Flotſam*, and *Ietſon* before declared, with the anchorages, beaconages, ſwine, ſturgeon, and whales caſt on ſhoare, & all fiſh of extraordinarie greatnes, called Regall; of all theſe the Admirall hath authoritie to deale, correct, and puniſh according to their deſerts, and the lawes prouided for the ſame by ſtatutes enacted, and all other lawes and meanes before declared.

Beacons to giue light on the ſeas.

The Clerke of the Admirall ought to be very skilfull and honeſt, and is to haue diuers Regiſters for congees, ſafe-conducts, paſports, ſea-briefes, without which no ſhip in time of war is to paſſe, nor yet in far voyages in time of peace; another Regiſter for the true knowledge of captaines and maſters of ſhips, and their returne; a third Regiſter for the names of Merchants, paſſengers, and owners, which the maſter ought to deliuer vp to haue them inrolled, and all pilots names (although recorded in the office called the Trinitie houſe) ought to be ſet downe, and knowne to the Admirals clerke; alſo all moneys deliuered vpon hazzard, or bottomarie, as is heretofore declared, called *fœnus nauticum*, or *pecunia traiectitia*.

The Regiſters of the Clerke.

Now the manner of proceeding in ſeafaring cauſes, is according to the lawes aforeſaid, or the cuſtomes written: and if the debate or cauſe cannot be determined thereby, the laſt refuge is, according to the opinion of skilfull and vpright men in their owne trading; but all this muſt be done, as the law ſaieth, *Velo leuato*, ſo briefely and ſummarily without the ſolemnitie of other ordinarie courts and iudgements, onely looking to God and the trueth, and all complaints to be

The manner of proceeding.

ended instantly, especially of ship-wrecke; for it were a crueltie to vexe so miserable persons with tedious proceedings: whereupon in this case the Iudges may proceede to execution vpon euerie interlocutorie, and make restitution presently, vpon good caution to be giuen to satisfie the appellation, if any be made. And herein there is a further priuiledge to them: for whereas by the common rules of the law, where no litis contestation is past, or as we say, bill and answere depending, no witnesse should be receiued, *nisi ad eternam rei memoriam, ac aduersario ad id citato*, yet in shipwrecke (as a case to bee commiserated) any of the ship-broken-men may come to the Iudge of that part where the wrecke happens, and by witnesse brought with him may make proofe.

Extraordinary priuiledge.

And as this is an extraordinarie priuiledge, euen so may merchants ordinarily, and masters sailing together, beare witnesse each one to other of their societie within the ship, if they haue neither to lose or gaine therby; and especially mariners for or against the master when the voiage is ended, and they free of his commandement. For by the consent of the doctors, when trueth cannot be otherwise tried, then vnable persons may be heard. And to the end that trade be not interrupted by vexation of quarrelsome persons, it is prouided, that not onely the common caution *Iudicio sisti, & iudicatum solui* be kept on the part of the defendant; but also that the plaintife or pursuer shall find caution *de expensis soluendis*, if he faile in proofe.

Ordinarie priuiledge.

Likewise if the partie do not appeare to defend himselfe or his ship after three citations, or foure at the most, called *quatuor defalta*, hee is taken for contemptuous; the Iudge may ordaine the Marshall or Officer to put the plaintife in possession by his sentence or *Primum Decretum*: Prouided that if the partie appeare within the yeare, and pay the costs and expences, he shall be admitted and heard vpon the proprietie: and in like manner, if any attachment be made vpon the ship or goods, it shall vpon caution giuen summarily be heard and determined, for this law of Admiraltie intendeth nothing but expedition for the better aduancement of Trafficke and Commerce.

(***)

CHAP.

## Chap. XV.

### *Of Arbitrators and their Awards.*

THE ſecond meane, or rather ordinarie courſe to end the queſtions and controuerſies ariſing betweene Merchants, is by way of Arbitrement, when both parties doe make choiſe of honeſt men to end their cauſes, which is voluntarie and in their owne power, and therefore called *Arbitrium*, or free will, whence the name Arbitrator is deriued: and theſe men (by ſome called Good men) giue their judgements by awards, according to Equitie and Conſcience, obſeruing the Cuſtome of Merchants, and ought to be void of all partialitie or affection more nor leſſe to the one, than to the other: hauing onely care that right may take place according to the truth, and that the difference may bee ended with breuitie and expedition; inſomuch that he may not be called an Arbitrator, who (to pleaſe his friend) maketh delayes and propagateth their differences, but he is rather a diſturber and an enemie to Iuſtice and Truth: and therefore the manner to elect Arbitrators, is worthy the obſeruation. Some are contented to name foure or ſixe perſons on either ſide in writing, and referre the naming or electing of foure out of them by reciprocall proceeding, when one named the firſt perſon, another the ſecond, and then againe the third, and the other the fourth perſon. Others putting ſeuerall names in a paper, are contented that a meere ſtranger ſhall vpon the backſide of the paper pricke their names with a pinne, or that (as they are numbred) the dyce ſhall bee caſt vpon them accordingly by the number.

The manner to choose Arbitrators.

Others put their names in ſeuerall papers, and cauſe them to bee mingled and drawne by way of lot, by an indifferent perſon, which courſe may be thought allowable, as we haue noted in the Chapter of the diuiding of commodities by lots.

Others will doe the ſame by nomination of them, and drawing of the longeſt or ſhorteſt ſtraw, or by any other extraordinarie meanes of pointing, numbring, or deſcribing, all tending to one end, to haue indifferencie, and that partialitie may be auoided by all meanes.

Consideration must be had also, whether two, three, or all foure shall haue authoritie to determine the cause, if they can, to bee done within a limitted time, wherein their award is to be deliuered vp, and whether they may name an vmpire, or not; all which must be declared in the Bond of Compromise, vnlesse the question be onely vpon one point to be determined, wherein no Bond is needfull but by way of assumpsit, by deliuering a peece of coyne each to other, and thereby binding themselues reciprocally vpon the penaltie of a summe of money to stand to the iudgement, it is ended.

Awards are to be giuen vnder hands and seales.

And the said penaltie or forfeiture by assumpsit may be recouered by Law and the Merchants Courts, as well as the forfeitures vpon Bonds, if the partie doe not performe the sentence or award, if the award be lawfully made: to which end Arbitrators are to take notice of the fiue points following, which by the Law doe make void all awards.

Fiue points to be obserued in awards.

1 That the award be giuen vp in writing within the time limited, by the bonds of Compromise made betweene the parties.

2 That there bee limited or appointed by the award, some reciprocall act to be done by each partie to other; which the Law requireth to be *Quid pro quo*, albeit neuer so small.

3 That they make a finall end, and doe determine vpon all the points or differences produced before them by specification or otherwise, if they be required so to doe, and authorised thereunto.

4 That they doe not award any of the parties to doe or performe any vnlawfull act or thing prohibited and against the Law.

5 That they doe not award any thing, whereby any matter alreadie determined by decree in Chancerie, or iudgement at the Common Law, or any sentence iudicially giuen in the cause, be infringed or medled withall.

These points ought to be obserued for the reasons following: For touching the first, if the award be not deliuered vp in writing vnder the Arbitrators hands and seales, if the condition of the Bond doe so limit the same: then haue they no authoritie to doe the same after the time which is limited vnto them, by the consent of the parties.

The reason of *Quid pro quo*.

For the second point, reason requireth in all humane actions, a reciprocall act from one man to another, by deed of performance, called *Quid pro quo*, although it were a mans sallarie for his paines; which in some cases causeth men to award, that each partie shall pay so much to the Scriuener or Notarie for writing the said award: but this is no collaterall act betweene the parties, neither is it any matter compromitted to the Arbitrators. It is therefore better to expresse and award, that each partie shall seale and deliuer either, generall acquittances each to other, or with some exceptions therein as the award will lead them.

The third point is considerable, where the differences are by both parties, or either of them deliuered in Articles in writing to the arbitrators,

bitrators; for herein it is not ſufficient to ſay; That the ſaid arbitrators ſhall haue power and authoritie to determine all queſtions, differences, doubts, controuerſies, matters of accounts, reckonings, or any other vſuall or generall words, from the beginning of the world vntill the date of the bond: but they muſt giue their award vpon euerie particular Article, and vpon all of them.

The fourth point, That the Arbitrators doe not award any thing which is vnlawfull, is to be vnderſtood of all things which are euill in themſelues, called *Malum in ſe*, and of things called euill becauſe they are (vpon ſome reſpects and conſiderations) prohibited, and therefore termed *Malum prohibitum*, as the wearing of hats at all times, tranſportation of corne, eating of fleſh in Lent, and the like; wherein there is a further conſideration which requireth a diſtinction. As for example, an Arbitrator or many Arbitrators doe award, that a ſumme of money ſhall be payed vnto ſuch a man, during all the time he is vnmarried, is good in Law; but to bind the partie by award that he ſhall not marrie, becauſe he ſhould enioy the money ſtill, is vnlawfull and void by the Law.

A notable good diſtinction in Law.

The fifth point is of verie great conſequence, to bind the actions of men to the obedience of the Law; whereunto ſuch reuerence is due, that decrees, judgements, and ſentences of judiciall Courts of Record, are alwayes of a higher nature than Arbitrators awards. Neuertheleſſe in many doubtful queſtions, the Ciuilians themſelues (after long and curious debates) doe aſſigne them to be determined by Arbitrators hauing skill and knowledge of the Cuſtomes of Merchants, which alwaies doe intend expedition: and that is the cauſe wherefore an vmpire choſen vpon arbitrable matters, hath an abſolute authoritie to himſelfe giuen, to end the matter alone without hearing the Arbitrators, if hee will: for albeit this is not without ſome danger, and that the ending of Arbitrators is to bee preferred; yet breuitie and expedition of juſtice in Merchants affaires is ſo much regarded, that by all meanes the ſame ought to be furthered. Hence it proceeded that the Merchants Courts, gouerned by Prior and Conſulls (whereof we intreat in the next Chapter) haue authoritie to reforme or confirme the ſentence of Arbitrators, when Merchants will appeale their arbitrement before them, rather than to goe to Law: and with this prouiſo, That the appellation of the ſentence of the ſaid Arbitrators ſhall not be receiued by the ſaid Prior and Conſulls, before the arbitrement bee performed by the partie that doth appeale, conditionally that reſtitution ſhal be made, if there be cauſe, vpon the end of the proceſſe. And the ſaid Prior and Conſulls are to note, that no Merchant nor other, being of their juriſdiction, can tranſport or make ouer their intereſt to any perſon priuiledged, and not ſubiect to the ſaid juriſdiction, be it by gift, ſale, or exchange, or by any other meanes, to the end thereby to auoid their authoritie, vpon paine that the ſame tranſports or poſſeſſings ſhall bee of no effect, and the loſſe of their right and cauſe. And all notaries who ſhall

An Vmpire hath abſolute authoritie.

Arbitrators award ſubiect to the Prior and Conſulls.

receiue any ſuch tranſports, ſhall be puniſhed by the ſaid Prior and Conſulls in a penaltie arbitrable: and further ſhall be condemned to pay vnto the aduerſe partie, all his coſts and charges which hee hath ſuſtained by meanes thereof.

Reference of cauſes to Merchants.

And to the end this expedition may by all meanes be furthered, the ſaid Prior and Conſulls may diſtribute and referre cauſes vnto the moſt ancient and expert Merchants in the matters in queſtion, to make a true report of the ſtate of the cauſe, according to the allegations and proofe of the parties, without any ſallarie to bee giuen to the ſaid Merchants; howbeit in Italy ſome reward is giuen vpon the Ricorſe of Merchants.

Theſe Merchants are to take the aduice of the Aduocate, Councell and Atturney of the ſaid Prior and Conſulls in matters difficult, the better to diſcerne the right of the cauſe to make their report more compleat, for the ſooner ending of it according to reaſon and right, by the true affirmations of the Merchants, and not by fained, ſubtile, and craftie writings, which oftentimes do darken the truth, vnder the colour of faire phraſes declared in them, cauſing protraction and delayes.

Difference betweene Iudges of the Law and Arbitrators.

*Marcus Tullius Cicero* hath truely ſet downe the difference, which is betweene Iudges of the Law and Arbitrators, inclining to the moſt eaſie and leſſe chargeable courſe, ſaying, The one is ſeruile, the other is noble; the one is bound to the Law, and the other is not; the one doth conſiſt in fact, the other in juſtice; the one is proper to the Magiſtrates, the other is reſerued to the Law; the one is written in the Law, the other is without the Law; the one is in the power, and the other is without the power of Magiſtrates: howbeit it is not forbidden, but all Iuſtices of Peace may compound differences, and their authoritie doth inable them better thereunto. And in this regard it is ſaid, That an vmpire doth repreſent the Lord Chancellors authoritie, becauſe that the Commiſſioners, report of the Maſters and others of the Chancerie, or of Merchants, is the ground worke whereupon the Lord Chancellor doth deliuer his ſentence, and maketh vp his decrees. And the ſaid Commiſſioners haue a further authoritie and power than Arbitrators: for they may examine witneſſes vpon oth, vpon any thing in queſtion where there wanteth proofe, or they may miniſter the ſaid oath to either partie, vpon pregnant occaſions to boult out the truth: the like authoritie haue the Prior and Conſulls of Merchants. And moreouer their authoritie doth farre exceed the power of Commiſſioners: for as Arbitrators haue a determinate power to make an end of controuerſies in generall termes, without declaration of particulars; ſo hath the Prior and Conſulls power to doe the like, whereas Commiſſioners are to giue a reaſon and declaration of their proceedings to the Lord Chancellor. Finally, the Arbitrators authoritie implyeth a voluntarie command proceeding from both parties, which the Commiſſioners haue not, but the Merchants Court hath.

Difference betweene Commiſſioners and Arbitrators.

CHAP.

## Chap. XVI.

### *Of the Merchants Courts, or office of Prior and Conſuls.*

THe third meane to end and determine Merchants queſtions and controuerſies happening in the courſe of trafficke, is the Courts of Merchants called Prior and Conſulls, or *Il conſolato*, as the Italians haue called the ſame. And here we may ſay a Merchant is, *in loco proprio*, as the fiſh in the water, where he vnderſtandeth himſelfe by the cuſtome of Merchants, according to which they are determined: and if he do not, yet as euerie man is taken to be *wiſe in his* profeſſion, ſo may he be admitted to vnderſtand *them*, the rather when he ſhall truely peruſe and ponder the contents of this Booke, which in my loue to Merchants I haue compiled, as aforeſaid.

Wherin Prior and Conſulls haue no power

The Ciuilians hauing conſidered of this Office of Prior and Conſulls eſtabliſhed in many places of France, Italie, and Germanie, haue made diuers queſtions of their authorities, ſaying they cannot decree any thing contrarie to the law of the land; as that the father ſhall be bound for the ſonne, or the ſonne for the father, or any thing that is *malum in ſe*, or naturally vniuſt, or againſt the publicke good, or that which ſauoureth of a Monopolie: neither may they forbid any man to go to law, or order that a worke begun by one ſhall not be ended by another, without the others conſent; neither are they to deale or to determine of any thing but what concerneth merchandiſing; for other things, as the ſelling of houſes, lands, and the like, doe not appertaine vnto them. True it is, that all matters criminall or offenſiue do not belong vnto them to deale in, for there the Kings Atturney is a partie, and hath intereſt therein, as falſifying of obligations, and bills of debt, or other writings, matters of reproach, or diſcrediting of perſons, theft, and other euill vnlawfull behauiour done and committed by their ſaid ſeruants, or themſelues, or any other Merchant, Factors, or intermedlers in cauſes of merchandiſe, as alſo all others not exerciſing the trade of merchandiſe: are forbidden to be dealt with by the ſaid Prior and Conſuls, neither are they to deale with the contracts of Vſurie either fained or otherwiſe vnlawfull,

nor

nor with the Wills and Teſtaments, or contract of marriages of any perſons, or with the interchanging of goods by conſent, and all other ſuch like contracts, but onely in all ciuile cauſes of merchandiſing. How be it theſe queſtionable matters are not of that moment to be diſcuſſed, conſidering that their authoritie is declared and confined by the Charters and Priuiledges made vnto them by Princes and Common-weales, whereunto relation is to be had, and accordingly they are to proceed, hauing a reſpect to the equitie of the cauſe. Hereupon *Benvenuto Straccha* the Ciuilian maketh a treatiſe, *Quomodo procedendum ſit in cauſis Mercatorum*, of the manner to proceed in Merchants affaires, wherein are many vniuerſall things propounded which are eaſier, but particular things are commonly more truer, by his owne obſeruation; and he concludeth that the decrees of Merchants need no other confirmation or approbation.

The decrees of Merchants need no other confirmation.

The oath taken by the ſaid Prior and Conſuls to obſerue the Law-Merchant is ſubiect to puniſhment, if they be perfidious or forſworn, as well as the oath of all other Iudges. And writing *de Conſulibus Mercatorum*, he ſaieth, That a Merchant may call in queſtion, and begin his plea before them, although it be againſt one that is no Merchant, if the cauſe concerne merchandiſing; and the plaintife herein bindeth the defendant to be iudged by the ſaid Prior and Conſulls, be he either a Knight or Eccleſiaſticall perſon, or a ſtranger not reſident in the place. In the like maner all Bankers, Shop-keepers in faires and markets are bound to their iuriſdiction for matter of money and Exchanges, or for merchandiſe.

The plaintife may in other places (where the defendant doth deale or negotiate) be at his choice to begin or commence his ſuit where he will, but not in two places at one time for one cauſe, wherein ſometimes the penaltie is by him reſpected to be far greater in one place than in another. Here let vs remember the controuerſie betweene two brothers which was aboue fortie yeares ſince, called *Ioan de la failia*, and *Iaques de la failia*, who went to law in Brabant for manie thouſand pounds; and afterwards one of them did commence ſuit in Flanders being another iuriſdiction, whereupon he was compelled to pay a forfeiture of 4000 ℔; for in trueth good orders and cuſtomes are to be maintained as lawes, and nothing is to be admitted that may infringe the Law of Merchants.

A forfeiture for a iuriſdiction.

The proceedings before the ſaid Prior and Conſulls is by Libell or Petition, or by Declaration; wherein let vs note the difference ſet downe by the ſaid Ciuilians. The Libell or Declaration is to be made with all the forme vſed in law, as well for the matter of fact, as the matter of law. But in a Petition the forme is not needfull, ſo the ſubſtance of the matter be well expreſſed, eſpecially the ſumme which is demanded, or the goods being lent, or vniuſtly detained, muſt be ſpecified; and if it be for money owing for merchandiſes, or lent, it muſt be declared, otherwiſe the Conſuls will reiect the Petition as impertinent; albeit ſome triuiall errors in Petitions are to be tollerated,

Difference betweene a Petition and a Declaration.

tollerated, and the partie is to be (by the Merchants Law) relieued.

They are to proceed ſummarily in all their actions, to auoid interruption of trafficke and commerce; and they are to reſpect plaine and ſincere dealings amongſt Merchants, with a conſideration to conſtrue all things to be done *bona fide*, ſo that truſt may be preſerued amongſt them; debarring (as much as in them lyeth) the exceptions of Preſcription, Excuſſion, and of promiſes made without conſideration, *quod nudo pacto promiſiſti*, and the like; in ſo much that many times a woman is admitted to be a procuratrix, contrarie to the Ciuile Law: and all other exceptions vpon plaine bills and obligations are ſet a part, and the trueth is hunted after, and all exceptions proceeding of Iuſtice and Equitie to be conſidered of.

Summarie proceeding.

A cuſtome contrarie to the ciuile law.

The paying of Cuſtomes, Impoſitions, Factoridge, Portage, Carriage, and the like charges are much to be reſpected by them, as alſo the execution of Wills and Teſtaments.

The publication of witneſſes before them, is without delay; and no more witneſſes are to be examined after the time of few daies limited, is expired; but ſentence is immediatly to bee giuen in writing, after pronunciation cleerely made by them; according to the proofe and allegations, vpon paine to be puniſhed by the higher courts, and in Fraunce by the court of Parlement, vpon reformation of their decrees.

Sentences of the Prior and Conſulls.

The manner of this ſummarie proceeding is ſo briefe, that vpon comming of the parties before them in perſon, or by their Atturnie, they are preſently to nominate their place of reſidence, or elſe there is refuſall made of their petition or demaund; then there is but one delay admitted, and in the acknowledgement of bills of debt or obligations there is admitted but one default: after which the bill is held as confeſſed and auileable, wherein their authoritie is greater than the authoritie of all other Iudges. For their ſaid ordinance doth extend but to the adiourning of perſons, and the ſaid Prior and Conſulls vpon one onely default, and notice left at the lodging of the offendor may auerre all bills, and declare the ſame to be payable; which notice is to be done by the meſſenger or ſerieant of the ſaid office, by fixing the copie of the demaund vpon the doore, if he cannot find the perſon, and by one witneſſe or two to be affirmed; and hereupon they may ſeiſe vpon the parties goods, if his bodie be abſent and cannot be impriſoned to pay and ſatisfie their ſaid ſentence and decree; and the goods by them ſeiſed (vpon once warning giuen) may be ſold by them to that end. If oppoſition be made againſt the ſeiſing, ſale, or deliuerie of goods, or againſt the cries, or interpoſitions of decrees, or againſt any other chiefe point, where oppoſition may be admitted, (juſtice remaining duely garniſhed) the parties ſo oppoſing themſelues ſhall be ſent to their Iudge, and chiefe men of their prouince, to declare before them the cauſes of their oppoſitions.

The authoritie of Prior and Conſulls is greater than the authoritie of any Iudges.

And if the partie adiourned do offer ſuretie, yet notwithſtanding he ſhall be cauſed to garniſh, and lay downe caution; and then haue

power

power to call his ſuretie; ſo that the ſentence or iudgement to be giuen, ſhall be againſt the principall debtor for the principall ſumme, and againſt the ſureties for the charges, dammage, and intereſt only: and this ſuretie is lyable after one default alſo, vnleſſe he put in a third man for ſuretie, to whom alſo but one default can be allowed.

Adiournmẽts and delaies vſed.

How be it that all delaies are left to the diſcretion of the Prior and Conſuls, who will admit none but vpon verie pregnant cauſe: and if they find to haue granted any delay vpon vntrue ſuggeſtions, they may impoſe a forfeiture vpon the partie according to their diſcretions, and the qualitie of the cauſe and perſons; and in the proceedings there may be two citations and adiournments ſometimes vſed by them, eſpecially vpon inquiries, where the witneſſes are admitted with the priuitie of the aduerſe partie being called thereunto; otherwiſe all the proceedings are of no value. The inquiries are to be done within a limited time, and may once bee prolonged vpon eſpeciall cauſe, and not otherwiſe. All lawfull proofe muſt be done before them ſummarily within three daies, without any further protraction, vnleſſe there be manifeſt contradiction, and that by default thereof, they pay the penaltie to be impoſed.

Inquiries vſed.

Penalties impoſed.

The like penalties are to be impoſed, if the parties do produce any friuolous thing in writing; for there is alwaies expedition and breuitie intended in all their proceedings.

The Regiſters Office.

The Regiſter of the ſaid Prior and Conſulls, is to keepe a little inuentorie of all the writings that ſhall be produced, and ſhall cauſe the parties that doth produce them, to write their names vpon euery one of them: and the ſaid Regiſter is not to take out any coppie of matters of moment out of the Inuentorie of the ſaid writings, neither for the one partie nor for the other, but onely the cauſe, and the end, wherefore the ſaid writings are produced, vpon a penaltie &c.

Charges and damages to be taxed &c.

All charges and damages ſhall be taxed by the Prior and Conſuls, and be paied, or the partie impriſoned not to be releaſed without the conſent of the partie. And for as much as this courſe to determine cauſes, is the ſhorteſt and moſt peremptorie of all deuiſes, inuentions, and meanes which can be imagined, I haue thought conuenient to ſet downe the French Kings Edict concerning the ſame, as the moſt compleat.

An

# An Edict made by the French King, concerning the Court and Authoritie of the Prior and Conſulls of Roan.

HENRIE, By the grace of GOD, King of France; To all manner of perſons of what eſtate ſoeuer, greeting. As We haue bin heretofore aduertiſed, that Our Citie of Roan is one of the beſt Cities in all Our Kingdomes, by reaſon of the ſcituation and aptneſſe for all commerce and trafficke, where diuers Merchants (as well of this Our Realme, as of many other Nations) doe vſually hold an entercourſe of buying and ſelling: for the continuance and propagation of which Trade, there hath of late (by Our Letters miſſiue) beene erected and eſtabliſhed in the ſame Citie, a Common Place for Merchants and their Factors, to aſſemble themſelues in twice euerie day at the houres accuſtomed, to diſpatch their affaires and negotiations in ſuch manner as is commonly vſed in the Change at Lyons, and the Bourſe at Thoulouze, to the intent that the forraine commodities of other countreys, may more readily be tranſported and exchanged away, with thoſe which Our owne bringeth forth. Change at Lyons, Bourſe of Thoulouze.

Be it therefore knowne to all men, That We (through our ardent zeale and deſire that We carrie to aduance the generall good of Our ſaid Citie of Roan, and to augment the common benefit and eaſe of all Merchants negotiating there, and in all things poſſible to gratifie them, that they may not bee diſtracted and drawne from their affaires and buſineſſes into ſundrie courts and juriſdictions, by meanes of ſuites and variances ariſing at any time about their trafficke) by the deliberate aduice of Our priuie Councell (together with diuers Noblemen and Princes of Our blood) beſides other great and honourable perſonages, of Our owne proper motion, aſſured knowledge, and regall authoritie haue approoued and confirmed, and by theſe preſents doe approue and confirme the making and eſtabliſhing of the ſaid Common Place in that Our Citie of Roan, inſtantly ratifying the ſame in all points with the Change of Lyons, and Bourſe of Thoulouze.

Willing and ordaining, and Our pleaſure is, That all Merchants, Factors, and all others of what Nation ſoeuer, may aſſemble themſelues in the ſame twice euerie day at the houres accuſtomed, and in their meetings ſhall freely vſe their trafficke, and paſſe their buſineſſe, as well by exchange as otherwiſe, not onely in the ſame place, but alſo in any other whatſoeuer within the liberties of Our ſaid Citie of Roan, when and where they ſhall thinke good, with all aſſurance and ſafetie to their merchandiſe; and withall thoſe priuiledges and liberties, License to exchange.

liberties, which Merchants trading to Our Townes of Lyons and Thoulouze doe enioy and vſe, according to the grant of Our predeceſſors Kings of France, and of Vs.

Furthermore We will and ordaine, That the Merchants of the ſaid Towne of Roan (frequenting the ſame place) ſhall euerie yeare cauſe a ſocietie of Merchants to bee in the lodge of the ſaid Bourſe, or in any other place in the ſaid Citie, and at ſuch time as they ſhall thinke good: in which meeting they ſhall chuſe out of the ſaid number, three officers, *viz.* A Prior and two Conſulls to remaine in their authoritie for one yeare, and ſo yearely to bee changed, and there new to bee elected according to the ordinarie forme of moſt voyces, not onely the Merchants of the Citie of Roan, but alſo the Merchant ſtrangers, being to be preſent and aſſiſtant in the ſaid election: which election and nomination being fully ended, the ſaid Prior and Conſulls ſhall haue preſent power in them to take knowledge, & to giue judgement betweene all men of what eſtate, qualitie, or condition ſoeuer they be, of all ſuits, controuerſies and differences touching matters of merchandiſing or buying and ſelling in ſuch manner as the Conſeruator of the Faire at Lyons, and the Prior and Conſulls at Thoulouze doe, as well for Obligations, Bills of Debt, Receits, Blankes ſigned, Bills of Exchange, anſweres by ſureties, aſſociations of Merchants (either generall or particular) aſſurances, accounts, tranſportations, bargaines, and partenerſhips for matters aforeſaid, or any thing belonging thereunto, with as full ſtrength, and according to the iudgements and condemnations of the ſaid Conſeruators of Lyons, and the Prior and Conſulls of Thoulouze. And that the judgements and ſentences, decrees and ordinances, commiſſions and commandements of the ſaid Prior and Conſulls of Roan, by ſpeeches, prouiſions, or definitiues ſhall ſtand in as much force and effect, for any matter judicially determined, as thoſe cauſes which the Conſeruator of Lyons, and Prior and Conſulls of Thoulouze, and others of Our Iudges doe decide. And the ſame ſhall be executed by Our Serieants and Officers, in ſuch manner and forme, as they are in their behalfe aboue named; either by committing to priſon, or by inflicting ſeuere puniſhment, if it bee ſo decreed and ordained; and to that end ſhall Our Meſſengers and Officers bee bound to performe the executions. Our Gaolers and Keepers of Our priſons ſhall likewiſe be bound to receiue and keepe all ſuch priſoners in ſuch manner, as if they were committed vnto them by Our aboueſaid Iudges, and with the like bond and penaltie (if any eſcape happen) as they be bound to keepe the priſoners by the authoritie of the ſaid Iudges: For ſo We haue enioyned, and doe enioyne Our Meſſengers and other Officers, Gaolers and Keepers of priſons, vpon ſuch penalties as the caſe ſhall require, and according as by the ſaid Prior and Conſulls ſhall bee ſet downe and declared without any default, according as the offence committed ſhall require.

Indifferent election.

Generall and particular aſſociations.

The manner of executions.

Moreouer, Wee haue permitted and doe permit Our ſaid Prior and

and Conſulls to take vnto them 20 of the ſaid Merchants, or more, or leſſe as they ſhall thinke reaſonable to aſſiſt them in their proceeding and judgements in cauſes of Merchandiſe, Bills of Exchange, aſſurances and differences as aforeſaid: and to cauſe to be executed their ſentences, judgements and ordinances of pawnes and conſignements, prouiſions, ſeizing of goods, and all their other condemnations ſentences or appointments to proceed therein by cries, proclamations, giuing notice to themſelues, or leauing notice at their houſes by proofe, ſales, dipoſitings, deliueries, and execution definitiue as the caſe ſhall require. Ayde in their execution.

Likewiſe We giue them power to direct the ſame proceſſe, and to proceed therein according to their ordinances, as well in matters ſummarily, as by prouiſion; as acknowledgement of Bills, ſubſcriptions, and Bills of exchange. Summarie proceedings.

And the like in acts of Pawnes and Conſignements by one onely fault duely proued, by ſummoning the perſon at his houſe, or fixing there a copie of the commiſſion or proceſſe in all places where it is lawfull to be done. And touching other matters, where two defaults ſhall be made or ſummoned in perſon, they ſhall proceed, obſerue, and keepe the courſe according to the Kings ordinances. And for all matters wherein they ſhall giue ſentence of execution according to their knowledge, Wee will and doe permit them, as aforeſaid, to cauſe the execution to paſſe in all places of Our Court of Parlement at Roan, and in all other places of Our Kingdome where need ſhall require, without any diſturbance or let to be done by any of Our Iudges, Iuſtices, or Officers either againſt them or their deputies; neither ſhall they let or hinder any ſummons or arreſt, exploit or aſſignement to be done before them.

And to giue their aſſiſtance, in all cauſes appertaining to their knowledge touching matter of trafficke, and all things therunto belonging, againſt all merchants trading in Our ſaid Citie of Roan, and as touching their Factors, dealers and intermedlers, of what qualitie ſoeuer they be (ſent by them into diuers Countreys, Regions, and Prouinces, as well within as without Our Kingdome, Countreys and dominions vnder Our obeyſance, for the cauſe of trafficke, merchandiſing, and doing of buſineſſe, and all other things thereunto belonging.)

Wee will and ordaine, That they may bee conſtrained to bring their cauſes and proofe for all matters aforeſaid, before the ſaid Prior and Conſulls for the time being, or that ſhall heereafter execute theſe offices, bee it either for the rendring of account and ſatisfaction of part or of whole, or condemnations in penalties, or other condemnations for amends for treſpaſſes, and of all other things that ſhall be requiſite concerning and belonging to the trade of merchandiſe, according as they ſhall deſerue, whereof Wee haue permitted them, and doe giue them power to vſe the forme, euen as the ſaid Conſeruator at Lyons, Prior and Conſuls of Thoulouze, and other Our Iudges doe. And to cauſe execution to be ſerued on Conſtraint to bring their Cauſes, &c.

the offendors, either by arreſt, attachment of goods, and ſale thereof, or by impriſonment of the parties condemned, euen as they ſhall thinke good, inhibiting all Our Iudges to preſume to take knowledge of any matter or plea thereunto belonging; which Our command Wee will bee notified vnto them, and vnto whom it ſhall appertaine, by the firſt of Our Officers or Serieants that ſhall bee required, whom Wee enioyne to performe the ſame accordingly, to the intent that all thoſe charges and extraordinarie expences, which Merchants may bee put vnto in following their ſuits againſt their Factors and dealers before many Iudges, might by theſe meanes be vtterly auoided.

Prohibition to other Iudges.

Furthermore Wee haue permitted, and doe giue authoritie to the ſaid Prior and Conſulls, that all ſuch penalties of moneys as by them ſhall be inflicted vpon men for contempts or any other offences ſhall be forfeited, the one halfe to Vs, the other halfe to the vſe of the ſaid Common Place or Bourſe of Roan to ſupply the wants thereof: allowing them likewiſe abſolute libertie and power to chuſe and conſtitute one Councellor, and one Atturney, who ſhall by all lawfull means, labour the benefit and aduancement of the ſaid place, and ſhall defend the ſame, to direct their proces and cauſes, as well before the ſaid Prior and Conſulls, as before all other Iudges.

Halfe of the forfeitures to the Prior &c.

A Councellor and one Atturney.

And to the end that the Merchants may aſſemble themſelues, as well to conſult of their common affaires, as to conſtitute the ſaid Councellor and Atturney, without being ſubiect to repaire to Vs or to Our Iudges for leaue when need ſhall require; Therefore all ſuch iudgements as ſhall paſſe before the Prior and Conſulls, being ſealed with their Seales, and ſigned by a Regiſter by them appointed, be it by impriſonment, ſale, diſpoſing of goods or otherwiſe, ſhall be held for reall and lawfull, being paſt in manner aforeſaid, without any conſtraint to haue Our further commiſſion or liking, euen according as was permitted by Our moſt honourable Our Father the King, vnto the Merchants of Our Citie of Lyons by his letters Patents giuen in the moneth of Februarie, in the yeare of Our Lord 1535; reſeruing vnto Our ſaid Court of Parliament, at Our ſaid Citie of Roan for a laſt concluſion, and by appeale, the juriſdiction and knowledge of the ſaid diſcords and differences.

Appeale to the Parlement.

And to the end that all ſuch appeales as ſhall proceed by reaſon of the iudgements and ſentences that ſhall be giuen and declared by the ſaid Prior and Conſuls, may be ſpeedily and without delay ended in our ſaid court, Wee haue ordained, and doe ordaine, inioyne, and commaund all Our louing and truſtie Preſidents and Councellors (holding Our ſaid court of Parliament) to declare to the ſaid Merchants without delay one day in euerie weeke, ſuch as they ſhall thinke conuenient, to heare, determine, and diſpatch the ſaid appellations, by order of roll for that purpoſe ordained. And in regard of the proceſſe by writing, there ſhall be one other roll made a part, to the end that the ſaid appeales may be ended in the ſame day, to

Iuſtice with all expedition.

auoide

auoide the prolonging of ſuits, to the ruine and conſuming of the ſuiter. And to the end that the ſaid place of meetings of the Merchants twice a day, may be quiet, and without diſturbance, Our pleaſure is, and Wee do ſtraitly commaund, that none of Our Serieants and Officers preſume to enter into the ſame place, not to make any arreſt (for any cauſe) of any perſon whatſoeuer, during the time of thoſe two accuſtomed houres of meeting. And if ſuch arreſt ſhould bee made during the ſaid houres, Wee haue declared heretofore, and doe declare at this preſent, the ſame to bee void and inſufficient, charging all Our Iudges not to haue any regard thereunto.

No arreſt to be made vpon the Burſe &c.

And as Wee are informed, that the trade of Aſſurances is of late greatly aduanced by the Merchants of the ſaid citie of Roan, (a worke ſo honourable that it doth euen beautifie and greatly aduance the trade and commerce of the ſaid citie,) Wee (to the end thoſe ſaid pollicies of Aſſurances, and all other writings thereunto belonging may receiue full vigour) haue permitted, and doe permit, that all Merchants frequenting the ſaid place (both now and hereafter to come) to aſſemble themſelues at all times when it ſhall be needfull, to chuſe and nominate, according to the moſt voices, one Merchant amongſt them (ſuch a one as they ſhall thinke meet, being a man truſtie and expert in the knowledge of the trade of Aſſurances) who ſhall make and regiſter the ſaid pollicies, whereunto the Aſſurors ſhall ſet their hands, at all times hereafter in the ſaid place and liberties of Roan, when it ſhall pleaſe the Merchants; whoſe office ſhall likewiſe be to draw forth accounts of ſuch arrerages as ſhall happen (being thereunto called) receiuing for his paines and time ſpent about the buſineſſe of the ſame Aſſurances, according as it ſhall bee thought meete by the ſaid Merchants, and keepe a perfect and true Regiſter of the ſame Aſſurances. To the which Regiſter and Copies thereof, and all other Acts and Writings by him made, concerning matter of Aſſurances, and by him ſigned, Wee will and ordaine, that all manner of credit ſhall be thereunto giuen, before all Iudges, and others to whom it ſhall appertaine: without that any other perſon or perſons ſhall haue to do, or meddle in the ſaid buſines of Aſſurances, or any thing thereunto belonging, vnleſſe he be before choſen and admitted thereunto by the ſaid Prior and Conſuls, and by the ſaid Merchants as aforeſaid.

A Regiſter for Aſſurances.

And Wee doe commaund and giue in charge to all perſons holding Our courts of Parliament, great Conſells, Admiralls, Vice-Admiralls, Stewards, and their deputies, and to all other Iudges and Officers whom it ſhall concerne, that you do cauſe to be read, proclaimed, and regiſtred this Our preſent Will, Declaration, Permiſſion, and Ordinance, and the ſame to be obſerued and kept by all them accordingly, that the Merchants may vſe and inioy the force and benefit thereof, plainely and peaceably without any contradiction. Moreouer Wee doe charge and commaund Our Atturney generall,

„ that he do with all dilligence cauſe all theſe things to be plainely and
„ truely executed, and that he do certifie vs of his diligence ſo done;
„ for ſuch is Our pleaſure, for that of Our meere motion and power,
„ Wee will haue it done, and that notwithſtanding any ordinance, cu-
„ ſtomes, ſtatutes, priuiledges, commandements, defenſes, or letters to
„ the contrarie, the which in this cauſe without doing preiudice to
„ other cauſes, Wee haue made void, and doe make void. And for that
„ men ſhall haue occaſion to vſe this Our grant in diuers places, Our
„ pleaſure is that credit ſhal be giuen to all ſuch copies as ſhal be made
„ by any Our louing and truſtie Notaries and Sericants, Secretaries, or
„ vnder, in ample manner as to the originall: and to this effect, We do
„ giue you full power, authoritie, and eſpeciall charge and commiſſion,
„ by theſe preſents commaunding all Our Iuſtices, Officers, and ſub-
„ iects, to obey you in this caſe. And to the end this may remaine eſta-
„ bliſhed for euer (Our owne right in all other cauſes reſerued) Wee
„ haue hereunto cauſed Our ſeale to be put. Giuen at Paris in the
„ moneth of March, and in the yeare of Our Lord 1556, and the
„ tenth yeare of Our raigne: ſigned by the King then in Councell, and
„ ſealed with greene waxe, with red and greene ſilke lace.

## CHAP. XVII.

### *Of the Lawes of ſeuerall Countries, whereby the Differences and Controuerſies of Merchants are determined.*

THe fourth and laſt meane to end the Differences and Controuerſies happening betweene Merchants and others in the courſe of trafficke, are the imperiall Lawes, or the fundamentall Lawes of kingdomes and common-weales, where the Merchants court of Prior and Conſulls is not eſtabliſhed, whereof the Merchants ought not to be ignorant; ſo that in the deſcription of them, it is conuenient to make ſome declaration, for the Merchants ſatisfaction, appertaining to their buſines and negotiation.

All

All lawes are tending in ſubſtance to the vpholding of trueth, maintaining of juſtice, to defend the feeble from the mightie, for the ſuppreſſing of iniuries, and to roote out the wicked from amongſt the good, preſcribing how to liue honeſtly, to hurt no man wilfully, and to render euerie man his due carefully, furthering what is right, and prohibiting what is wrong; ſummarily to be vnderſtood according to the ſaying of our ſauiour Chriſt. Finall end of the lawes.

*What you will haue men to do vnto you, do the ſame vnto them.* Mat. 7. 12. Luke 6. 31.

Which *Alexander Seuerus* the Emperor, did expreſſe thus:

*That which you will not haue done vnto thee, do not vnto others.*

And to this purpoſe, let vs note three ſorts of lawes, namely:

The law of Nature, whoſe vertue is alone, and the ſame euery way in all, or rather a verie notice of Gods law ingraffed in the mind of man. Law of Nature

The law of Nations, which conſiſteth of cuſtomes, manners, and preſcriptions, being of like condition to all people, as we haue before declared. Law of Nations.

The Ciuile law, which is an abridgement, derogating many illicentious cuſtomes which grew by peruerſneſſe and corruptneſſe of nature, and is termed Peculiar, vſed by one kind of people, called the the Imperiall Law. Ciuile Law.

Out of theſe was the common-law of England made, whereof we are now firſt to intreate, and therein to be ſomewhat prolixe, for the better vnderſtanding of Merchants, the rather becauſe the lawes do binde all men to Knowledge, Obedience, and Puniſhment: for indeed no man may breake them, no man may be ignorant of them: and laſtly, no man may iudge of them, but according to them; and therefore it is ſaid, that *Iudex* is taken *à iudicio, non iudicium à Iudice:* and more eſpecially, becauſe this booke (as you may find) is more exactly calculated (as the Prognoſticators ſay) for the Meridian of England, howbeit it may ſerue for all other countries and places of trafficke and trade. The law bindeth all men to knowledge and obedience.

## *Of the Common-Lawes of the realme of England.*

THe Common-Law of England is taken three manner of waies, *viz.*

1 As the Lawes of the realme, diſſeuered from all other Lawes; which is the cauſe of the often arguing in the Lawes, what matters ought of right to be determined by the Common-law, or what by the Admiraltie court, or by the Spirituall court. The treatiſe of Doctor and Student.

2 The Common-law is taken as the Kings court of Kings Bench, or Common pleas.

3 By the common-law is vnderſtood ſuch things as were law, before any ſtatute made in that point that is in queſtion, whereby that point was holden for law, by the generall and particular cuſtomes and maximes of the realme, or by the law of God, and the law of reaſon, whereunto the kings of England at their coronation, do take a ſolemne oath to obſerue the ſame, and all which the inhabitants of England ſucceſſiuely euer obſerued, namely Brittaines, Romans, and then Brittaines againe, and then Saxons, Danes, and Normans.

Fiue nations in England.

Now whereas the Law-Merchant requireth breuitie and expedition, all men of iudgement will confeſſe, that (hauing ſeene many deuiſes, edicts, and ordinances, how to abridge proceſſe, and to find how long ſuits in law might be made ſhorter) they neuer perceiued, found, nor read as yet, ſo iuſt and ſo well deuiſed a meane found out as this by any man in Europe, albeit that the ſhortneſſe thereof is ſuch, that if a man haue many peremptorie exceptions, which can make the ſtate or iſſue of his cauſe, he ſhall be compelled to choſe one exception whereupon to found his iſſue, which choſen, if he faile by the verdict of twelue men, he loſeth his action and cauſe, and the reſt can ſerue him for nothing.

Commendation of the common-law.

Peremptorineſſe of the common-law.

Great is the antiquitie of the common-law of England, and the triall of Iuries by twelue men: for we find the ſame to be from the time that the Weſt Saxons had the rule and domination ouer the countries of Hamſhire, Wilteſhire, Dorſetſhire, Somerſetſhire, and part of Gloceſterſhire; and alſo the ſame law was vſed amongſt the Saxons which ruled Marſhland and Medland, that is to ſay, the countries of Lincolne, Northhampton, Rutland, Huntington, Bedford, Oxford, Buckingham, Cheſhire, Darbie, Notingham, and part of the ſhires of Gloceſter, Warwicke, Hereford, and Shropſhire, at ſuch time when the land was diuided into ſeuen kingdomes, all of them being at that time inhabited with diuers nations, namely Picts, Scots, Danes, Normans, Vandals, and Germanes; all which haue continued the proceedings of the law, vntill the time of *William* duke of Normandie who conquered the ſame.

Antiquitie of the common-law.

This *William* the Conqueror had the quiet poſſeſſion of this land, and cauſed (amongſt other lawes) the Dane lawes to be collected, which ruled in Deuonſhire and Cornewall, and a diſcreet view to be taken of ſundrie lawes, whereunto he did adde ſome of his Norman lawes to gouerne the people of the land, now called England; in ſo much, that concerning the antiquitie of the laws and cuſtomes aforeſaid, they were long before vſed by the Saxons firſt gouernment, nay by the Brittaines themſelues, which was one thouſand one hundred ninetie and eight yeares before the birth of our ſauiour Chriſt, being now in continuance aboue two thouſand and eight hundred yeares; for king *Alfred* cauſed the lawes of *Marcia* to be tranſlated out of the Brittaine into the Saxon tongue: and after that we find that king *Lucius* and king *Alfred* cauſed the continuance thereof.

*Anno* 1198 *ante Chriſtum.*

The ſaid Common Lawes are properly to bee taken to conſiſt of the

the ancient Maximes of the ſaid Lawes, of the ſtatute Lawes & Booke Caſes, which are yearely obſeruations vpon manners, and may be called *Reſponſa Prudentum*, comprehending therin the Municipall Lawes, which is proper to all Kingdomes and Gouernments, as an exception to the fundamentall Lawes thereof; wherein many ſingular arguments drawne from Diuinitie and Humanitie are effectuall, though there be no bookes for it. For the principles which are taken from the Law of God and Nature, or Reaſon, are many more, than thoſe which are of man, and giuen by the abſolute diſcretion of the Iudge. And concerning the prudence of the Law, which holdeth this Maxime, That it is better to ſuffer a miſchiefe, than an inconuenience, attributing the word miſchiefe vnto one or ſome few men, and the word inconuenience to all perſons, or the common-wealth in generall. And here let vs obſerue, That

Municipall Law, as gauelkind, &c.

A Maxime in Law.

*Of the Common Law of England, there may bee made an Art or Science.*

Conſider we, that *Ars eſt cauſarum conſideratio, ex finibus Aſſumptis:* Art is the conſideration of cauſes from certaine ends propounded; according to which definition an orderly conſideration muſt be taken of the cauſes, which cannot be without Art: For Art maketh nothing but of things alreadie made, putting a diſtinct determination, which is done with a reformed reaſon properly called Logicke; which (as it is the inſtrument of all Sciences) ſo is it alſo the inſtrument of the Law: and although the Law be now infinite in Practiſe, yet is the ſame finite in Precepts. So that as, *In infinitis omnia concurrunt*, The Law being finite in her principles, may eaſily be compiled or incorporated; and experience teacheth, that it is eaſier to vnderſtand many principles well put together, than to put many principles well together, whereby a man may vnderſtand the Law, hearing the ſame deliuered by a Lawyer; yet this may be done by wiſemen.

Definition of Art.

For we haue our finite originalls or elements, acts, perſons, things, and their adiuncts, and concerning them, finite reaſons, of which we doe compound caſes infinite; yet are all thoſe caſes decided according to the finite reaſons of the finite elements. So hath the Phiſitian finite ſimples, though hee doe make infinite compounds, yet are they all proued good or bad to that whereunto they are prepared, by reaſons drawne from the finite ſimples.

Now by the elements of the Law, we muſt vnderſtand matter and forme, not as in things naturall and compound, but *Modo & forma*, as they ſpeake: ſo in all caſes, there is matter of Law, matter of Fact, or both, and the twelue men or jurors, are onely ordained to trie the matter of Fact, for they are ignorant in the Law; ſo that if the queſtion be of the Law, that is, if both parties doe agree vpon the Fact, and each doe claime that by Law he ought to haue it, and will ſtill in that ſort maintaine their right, then it is called a Demurrer in Law, which

Elements of the Law.

Demurrer in Law.

which is determined by the Iudges: So that if all caſes were reduced vnder theſe few titles, namely, Pleas of the Crowne, of Right or Title of Land, of Debt, of Treſpaſſe, of Account, of Trouer, and of the Caſe: Then might the matter of Fact bee brought nakedly before the jurie diſtinguiſhed from the matter of the Law. For all Caſes are either criminall or ciuile, or criminall, reall and perſonall, for life, honour, and goods or lands: and it is an eaſie matter to deſcribe the nature of theſe and the like actions, the Law being ſingular in her diſtinctions, which would diminiſh the practiſes thereupon: whereas by the Ciuile Law the Fact is firſt examined by witneſſes, indices, torments, and the like probations to find the truth thereof; and that done, the aduocats doe diſpute of the Law, to make of it what they can, ſaying, *Ex facto, ius oritur*, which is long and tedious.

Caſes criminall, reall, and perſonall.

Originalls by the Ciuile law.

The pleading of generall Iſſues, with addition of the words, *Modo & forma*, maketh the matter difficult many times, when the jurie conceiueth that this meaneth ſome matter of Law, when it is onely matter of Fact: the jurors therefore are principally to looke whether the Iſſue and Euidence doe concurre, which they ought to follow. True it is there is ſometimes matter of Law which altereth the Caſe, when there muſt be proued a lawfull conſideration of *Quid pro quo*, otherwiſe it is *Nudum Pactum ex quo non oritur Actio*; wherefore I haue ſeene ſome Pleas plainely diſtinguiſhing the matter: ſo that the jurie might perceiue the naked Iſſue of the Fact before them in queſtion, with all the circumſtances which is ſometimes done by way of Replication.

*Nudum pactum* what it is.

There is a Maxime or ground of the Law of England, That if the defendant or tenant in any action, plead a plea that amounteth not to the generall Iſſue, that hee ſhall bee compelled to take the generall Iſſue, and if he will not, he ſhall be condemned for lacke of anſwere. The generall Iſſue in Aſſize is, That hee that is named the diſſeiſor hath done no wrong, nor no diſſeiſin: and in a Writ of Entrie in the nature of Aſſize, the generall Iſſue is, That he diſſeiſed him not; and in an action of Treſpaſſe, That he is not guiltie, and ſo euerie action hath his generall Iſſue aſſigned by the Law, and the partie muſt of neceſſitie, either take the generall Iſſue, or plead ſome plea in the abatement of the Writ: and the cauſe why this is done, is becauſe the matter of Law ſhould not bee put to the triall of the jurie of twelue men.

The pleading of generall Iſſues.

Mr. *Forteſcue* ſaith, That the triall of twelue men is more indifferent than the triall before a Iudge, becauſe it is an eaſie matter to find out two men among a number of men, that may be of the parties acquaintance, ſo void of charitie and conſcience, which for dread, loue, or profit will be readie to gainſay all truth: and to this purpoſe he alleageth the example of the two witneſſes againſt *Suſanna*, according to which preſident the witneſſes are to bee examined aſunder, and not in the hearing of one another, as is now accuſtomed. And if their oath touching the matter of Fact were recorded briefly,

the

the Euidences would be more certaine, for witnesses would be more carefull, vpon which the oath of the Iurie dependeth.

If the action bee locall of lands or houses, the Iurie is impannelled of men, from as neere as may be to that Countie where the thing in controuersie lyeth; neuertheleſſe the defendant may take exception againſt ſome of the Iurors, albeit for little or no cauſe, and then others are taken in place, for there are twentie fore men warned, but twelue is ſufficient, vnleſſe it be vpon an Action Reall, where twentie foure muſt be empannelled. And the oath giuen to Iurors is, That they ſhall deale iuſtly and truely betweene partie and partie; but the witneſſes are to ſpeake the truth, the whole truth, and nothing but the truth, and ſo they take their oath. And to the end the proceedings in Law ſhould not be hindred, therefore if the Iurors fall out not to be full in number, then the Sherifes may take *Decem Tales de circumſtantibus*, and empannell them, that is, To take other perſons of the ſtanders by, which is done before the Iudge at the time of the Triall. Proceedings of Iurors. *Decem Tales de circumſtantibus.*

When the Iurie haue deliuered vp their verdict, if nothing bee alleaged in reſpite of judgement, then judgement is had of courſe; and alſoe execution is awarded to bee executed as the finall end of Law. Verdict, Judgement, and Execution.

Neuertheleſſe there are three meanes to diſſolue the ſaid judgement and execution, namely, By a Writ of Attaint, a Writ of Error, and an *Audita Querela*, which Writ is grounded vpon Equitie by Law and Conſcience.

The Writ of Attaint is not onely tedious and thargeable, but alſo neuer or ſeldome tried: for the ſame is brought by the partie grieued, againſt the twelue men, and the partie for whom the ſentence is giuen. And whereas before commonly vpon the firſt enqueſt, they be all Yeomen, or men of meane calling: now vpon this Attaint muſt goe twentie foure Gentlemen of greater qualitie, and fortie eight muſt be warned to appeare; then there muſt in the Attaint no more euidence be brought in, but onely that which was brought in and alleaged before the firſt enqueſt, which not appearing of record is hard to bee made a plaine matter: againe Gentlemen and others are loth to diſcredit their neighbours; yet if the matter bee ſo apparant, that they muſt needs find them attainted; then meanes are found to deferre the judgement, and it may bee the parties ſhall be brought to an agreement, or at the leaſt one of them that was of the attainted Iurors will dye in the meane time, and then the Attaint ceaſeth: yet in this caſe if the partie be in priſon which brought the Writ of Attaint, he may be bailed, as is in *Natura Breuium*. Writ of Attaint.

The Writ of Error is more eaſie, and was heretofore vſuall to prolong ſuits in Law, before the Statute of *Ieofaile* was made, meaning in good French *I'ay failly*. For euerie ſmall Error, if it were but falſe Latine, would ouerthrow a Cauſe; but now it runneth into another extreame, for if the partie grieued ſpeaketh in arreſt of judgement, and Writ of Error.

and ſheweth ſome materiall Error, vpon motion made, the aduerſe partie may haue it amended as often as Errors are opened: the Record therefore ought to be firſt remoued, and not onely by tranſcript be put into another Court, but the partie is to plead thereunto, *in nullo eſt erratum*, and then the danger of opening Errors is paſt, if there be no trickes vſed in amending of the Records vnder hand, wherein lyeth a *Certiorare* to ſatisfie the Court, where the Record is brought, namely, from the Common Pleas to the Kings Bench Court, from the Kings Bench to the Exchequer, which heretofore was done in Parlement: and therefore the partie grieued and in priſon of the Kings Bench cannot be baileable vpon a Writ of Error after judgement and execution, as hee is vpon a judgement of the Common Pleas, in the Court of Kings Bench; for this Court of Kings Bench, in regard of the Pleas of the Crowne, challengeth ſome prioritie herein.

The Writ of *Audita Querela*.

The Writ of *Audita Querela* is graunted out of the Kings Bench Court, if the judgement doe depend there, and returnable in the ſaid Court, or elſe out of the Chauncerie returnable in the Kings Bench: whereupon the Lord Chancellor taketh foure bailes in the vacation Time, before a Maſter of the Chauncerie, and the matter doth meerely depend vpon the baile. The ſuggeſtion of the Writ in matter of Law, is a later contract after judgement and execution; an eſcape in Law, if the priſoner bee by the Gaoler permitted to goe abroad without the Kings Writ, or if he breake priſon, in which caſe the Gaoler is to pay the debt; or vpon a payment made ſince the execution; alſo a wrong recouerie by an executor, whom the Prerogatiue Court doth afterwards diſavow. Such and the like ſuggeſtions are to be tried by another Iurie, vpon euidence to be produced to proue the ſaid allegation.

A ſtrict Law.

This Common Law is ſo ſtrict, that the Prouerbe is, *Summum ius, ſumma iniuria:* for example, If a man ſeized of lands in Fee, hath iſſue two ſonnes, the eldeſt ſonne goeth beyond the Seas, and becauſe a common voyce is that hee is dead, the yonger brother is taken for heire, the father dyed, the yonger brother entred as heire, and alienateth the land with a warrantie, and died without any heire of his bodie, and after the elder brother commeth againe and claimeth the land as heire to his father: in this caſe by the Law, the eldeſt brother ſhall be barred by the warrantie of the yonger brother. Againe, parteners cannot ſue each other by the Law: if two men haue a wood ioyntly, and the one ſelleth the wood, and keepeth all the money wholly to himſelfe; in this caſe his fellow ſhall haue no remedie againſt him by the Common Law: for as they when they tooke the wood ioyntly, put each other in truſt, and were contented to occupie and deale together; ſo the Law ſuffereth them to order the profits thereof.

Parteners cannot ſue each other by the Law.

The Law therefore is not compleat without the Courts of Chancerie or Equitie, for the imperfection and rigour of it, are qualified thereby, called to be *Æquum & Bonum*, which may bee conſidered in this

this caſe. Two ſtrangers ioyntly did deliuer in truſt vnto a widow woman a round ſumme of money, with condition not to deliuer the ſame out of her hands, but when they both ſhould demand the ſame: within a while after one of them commeth vnto her, and doth aſſure her by good indices and probabilities that the other his companion is dead, and thereupon doth intreat her to deliuer him the money; which ſhee did, not ſuſpecting any fraud, ſo the partie went away with the money. Afterwards commeth the other (who was ſaid to be dead) and demandeth the money of the woman, and vnderſtanding that ſhe had paied the ſame vnto the other, was much offended therewith, and cauſed her to be adiourned before the Iudge: The woman appearing did declare the matter according to the truth, ſhewing how the other had deceiued her, and ſhe did wholly relie vpon the integritie and juſtice of the Iudge. Here an Action of the caſe might haue beene brought againſt the woman by the law, and cauſe her to ſeeke the partie that had deceiued her: but the Iudge tempering the rigour of the law, did giue ſentence, That the woman ſhould pay the money vnto the partie, ſo as he brought his companion with him to demaund the ſame, according to the couenant, they both iointly hauing repoſed a truſt in her. Example of Law and Equitie.

Here I call to mind the queſtion which no Iudge could determine: A couetous Doctor at the Ciuile law would not inſtruct a young Student, vnleſſe he did pay him a great ſumme of money, whereunto the Student did condeſcend, conditionally that he ſhould haue the firſt cauſe (he tooke in hand) to go on his ſide: whereupon it fell out, that the cauſe betweene him and the ſaid Doctor was the firſt cauſe, and ſo there could be no proceeding therein, the Student pleading the condition in barre.

The court of Chauncerie is properly called a court of Conſcience, becauſe it reaſoneth on the part of the complainant, by argument taken from the Law of Nature before mentioned, *Quod tibi fieri non vis, alteri ne feceris*: for in the Chancerie euerie man is able by light of nature to foreſee the end of his cauſe, and to giue himſelfe a reaſon thereof, and is therefore termed a Cauſe; whereas at the common-law the clyents matter is termed a Caſe, according to the word *Caſus*, which is accedentall; for the partie doth hardly know a reaſon why it is by law adiudged with or againſt him. Difference betweene Cauſe and Caſe.

The Chauncerie therefore vpon Bill and Anſwere betweene the complainant and defendaunt, graunteth an Iniunction to ſtay the proceeding in the courts of common-law, vntill the equitie of the cauſe be examined: and if there be no matter of equitie found, then the cauſe is diſmiſſed to the law againe, with coſts to the partie. Merchants cauſes are properly to be determined by the Chauncerie, and ought to be done with great expedition: but it falleth out otherwiſe, becauſe they are by commiſſions commonly referred to Merchants, to make report of the ſtate thereof vnto the Lord Chauncellor; for the cuſtomes of Merchants are preſerued chiefely by the ſaid court, Iniunction of the Chancerie.

and

and aboue all things Merchants affaires in controuerſie ought with all breuitie to bee determined, to auoid interruption of trafficke, which is the cauſe, that the Maior of the Staple is authoriſed by ſeuerall Acts of Parleament to end the ſame, and detaine the ſame before him, without any diſmiſſion at the common-law which ſheweth the neceſſarineſſe of the Office of Prior and Conſulls before mentioned.

Staple Lawes. 27. E. 3.

The rather, for that the triall of an Action of Account at the common-law is tedious. There are fiue manner of perſons accountable by the law, namely, a Steward or Bailife, a Factor or Seruant, or a Receiuer. Vpon an Action of Accompt the generall iſſue to be pleaded thereunto is *Ne vncques Receiuer pour account rendre:* this is firſt tried by a Iurie, and if the partie be conuicted, and found accountable, then the law doth appoint Auditors to take the account, by a commiſſion directed out of the court to Merchants and others, according to the nature of the cauſe, whereunto two Atturneys of the court are ioined. And when they haue taken the account, and find wherein the differences do conſiſt, then they are to certifie all their proceedings into the court, and the accountant muſt make iſſuable anſweres to be pleaded, whereupon eight, ten, twelue, or more iſſues ſhall bee made, and then a ſecond Iurie is called to trie all theſe ſeuerall iſſues vpon peremptorie points, and ſo vpon euerie iſſue there is giuen a particular verdict, and ſometimes an eſpeciall verdict, which is to be determined by the court againe. All theſe long proceedings make long records, ſubiect to many errors: and becauſe all theſe ſeuerall iſſues are tried by one Iurie, and vpon one record, together with the former proceedings, whereby the other Iurie found the partie accountable, if in any, or in the whole, materiall error be found, then all is ouerthrowne, and the parties are to begin againe *de nouo*. And it may fall out, that then they will ioine other iſſues, and ſo run into a Labirinth, ſo that matters of account are properly to be determined of the Chauncerie: and it were to be wiſhed, that therein more expedition were vſed, according to the lawes of Arragon, which concur with the courſe of the ſaid court, as we are now to declare; leauing all other caſes triable by the common-law, according to their proper natures, as the triall of an Action Reall, which is done with ſolemnitie, and the like, to abreuiate things.

The triall of an Action of Account by law.

## *Of the Lawes of the Kingdome of Arragon.*

THe Lawes of Arragon being peculiar to that kingdome, haue eſpeciall daies or times limited to euerie particular proceedings of the proceſſe, whereby the ſame is diuided into tenne (as it were) termes, which haue euerie one their proper obſeruations, which the complainant muſt obſerue, and proſecute accordingly with expedition, as followeth.

1 When the partie complainant calleth the defendant.

2 When

2 When they do appeare before the Iudge.
3 The defendant may alledge certaine exceptions.
4 Due answere is made to the complainants bill.
5 The examinations of the parties, and their proceedings.
6 Witnesses are produced, examined, and publication had of their depositions.
7 The parties doe reason of the depositions, and the matter is brought to hearing.
8 When the Iudge giueth sentence or iudgement.
9 When execution is had vpon the sentence, or the partie appealeth.
10 When the cause departeth out of that Iudges power before a higher authoritie.

Obseruations of the proceedings of the law of Arragon.

And all this is commonly done in foure moneths, with the obseruations by the law required, namely the considerations incident, which are worthie to be noted to preuent vniust dealings.

1 Touching the first time, the Iudge taketh not any notice therof; for the proces is granted of course, vnles it appeare that the complainant hath beene the slaue of the defendant, or the sonne doe commence a suit against the father, or the seruant against his master, wherin (vpon good consideration) licence must be had of the Iudge.

2 The second, That they must appeare before the Iudge at three seuerall times of tenne daies, or thirtie daies at any one time, which is peremptorie; after which, there lyeth a contempt against the partie not appearing: during which time, the Iudge doth proceed according to the nature of the action, and the Maximes of the Law, which are compiled together to iudge by, and serue him for his direction; but in extraordinarie causes his conscience leadeth him.

3 The third time, touching exceptions, is not only betweene partie and partie, but also against the Iudge for insufficiencie of authoritie giuen him, if the cause so require.

4 The fourth time, three things are to be obserued vpon the defendants answere.

1 Whether he denyed all, or did confesse part or all.

2 Whether it be requisit that the Iudge iudicially heare the cause, or else (according to the defendants answer and confession) iudge him to pay or satisfie the matter within nine daies.

3 That after the contestation of the suit, there be no matter of any dilatorie exceptions alledged to hinder the proceedings, but rather peremptorie exceptions, to bring the matter to a definatiue sentence.

5 The fifth time, foure things are to be obserued, namely,

1 The complainant must sweare, that he is perswaded that he demandeth a iust and right demand; and the defendant likewise, that he defendeth his right.

2 That they shall speake truth to that which shall be demanded of them.

and aboue all things Merchants affaires in controuerſie ought with all breuitie to bee determined, to auoid interruption of trafficke, which is the cauſe, that the Maior of the Staple is authoriſed by ſeuerall Acts of Parleament to end the ſame, and detaine the ſame before him, without any diſmiſſion at the common-law which ſheweth the neceſſarineſſe of the Office of Prior and Conſulls before mentioned.

Staple Lawes. 27. E. 3.

The rather, for that the triall of an Action of Account at the common-law is tedious. There are fiue manner of perſons accountable by the law, namely, a Steward or Bailife, a Factor or Seruant, or a Receiuer. Vpon an Action of Accompt the generall iſſue to be pleaded thereunto is *Ne vnques Receiuer pour account rendre:* this is firſt tried by a Iurie, and if the partie be conuicted, and found accountable, then the law doth appoint Auditors to take the account, by a commiſſion directed out of the court to Merchants and others, according to the nature of the cauſe, whereunto two Atturneys of the court are ioined. And when they haue taken the account, and find wherein the differences do conſiſt, then they are to certifie all their proceedings into the court, and the accountant muſt make iſſuable anſweres to be pleaded, whereupon eight, ten, twelue, or more iſſues ſhall bee made, and then a ſecond Iurie is called to trie all theſe ſeuerall iſſues vpon peremptorie points, and ſo vpon euerie iſſue there is giuen a particular verdict, and ſometimes an eſpeciall verdict, which is to be determined by the court againe. All theſe long proceedings make long records, ſubiect to many errors: and becauſe all theſe ſeuerall iſſues are tried by one Iurie, and vpon one record, together with the former proceedings, whereby the other Iurie found the partie accountable, if in any, or in the whole, materiall error be found, then all is ouerthrowne, and the parties are to begin againe *de nouo*. And it may fall out, that then they will ioine other iſſues, and ſo run into a Labirinth, ſo that matters of account are properly to be determined of the Chauncerie: and it were to be wiſhed, that therein more expedition were vſed, according to the lawes of Arragon, which concur with the courſe of the ſaid court, as we are now to declare; leauing all other caſes triable by the common-law, according to their proper natures, as the triall of an Action Reall, which is done with ſolemnitie, and the like, to abreuiate things.

The triall of an Action of Account by law.

## *Of the Lawes of the Kingdome of Arragon.*

THe Lawes of Arragon being peculiar to that kingdome, haue eſpeciall daies or times limited to euerie particular proceedings of the proceſſe, whereby the ſame is diuided into tenne (as it were) termes, which haue euerie one their proper obſeruations, which the complainant muſt obſerue, and proſecute accordingly with expedition, as followeth.

1 When the partie complainant calleth the defendant.

2 When

2 When they do appeare before the Iudge.
3 The defendant may alledge certaine exceptions.
4 Due answere is made to the complainants bill.
5 The examinations of the parties, and their proceedings.
6 Witnesses are produced, examined, and publication had of their depositions.
7 The parties doe reason of the depositions, and the matter is brought to hearing.
8 When the Iudge giueth sentence or iudgement.
9 When execution is had vpon the sentence, or the partie appealeth.
10 When the cause departeth out of that Iudges power before a higher authoritie.

Obseruations of the proceedings of the law of Arragon.

And all this is commonly done in foure moneths, with the obseruations by the law required, namely the considerations incident, which are worthie to be noted to preuent vniust dealings.

1 Touching the first time, the Iudge taketh not any notice therof; for the proces is granted of course, vnles it appeare that the complainant hath beene the slaue of the defendant, or the sonne doe commence a suit against the father, or the seruant against his master, wherin (vpon good consideration) licence must be had of the Iudge.

2 The second, That they must appeare before the Iudge at three seuerall times of tenne daies, or thirtie daies at any one time, which is peremptorie; after which, there lyeth a contempt against the partie not appearing: during which time, the Iudge doth proceed according to the nature of the action, and the Maximes of the Law, which are compiled together to iudge by, and serue him for his direction; but in extraordinarie causes his conscience leadeth him.

3 The third time, touching exceptions, is not only betweene partie and partie, but also against the Iudge for insufficiencie of authoritie giuen him, if the cause so require.

4 The fourth time, three things are to be obserued vpon the defendants answere.

1 Whether he denyed all, or did confesse part or all.

2 Whether it be requisit that the Iudge iudicially heare the cause, or else (according to the defendants answer and confession) iudge him to pay or satisfie the matter within nine daies.

3 That after the contestation of the suit, there be no matter of any dilatorie exceptions alledged to hinder the proceedings, but rather peremptorie exceptions, to bring the matter to a definatiue sentence.

5 The fifth time, foure things are to be obserued, namely,

1 The complainant must sweare, that he is perswaded that he demandeth a iust and right demand; and the defendant likewise, that he defendeth his right.

2 That they shall speake truth to that which shall be demanded of them.

3 That they ſhall not require (without iuſt cauſe) any time of prolongation.

4 That they haue not, nor wil attempt to corrupt witneſſes.

6 The ſixth time, vpon the conteſtation and interlocutorie ſentence, you muſt obſerue nine things.

1 That the witneſſes be preſented in preſence of the partie againſt whom they are produced.

2 That they bee freemen and honeſt, and not hired nor corrupted.

3 That they bee ſworne, and the producent payeth his charges.

4 You may inquire of the partie that doth produce the witneſſes, as alſo of the witneſſes by certaine articles, what may appertaine to the cauſe, in regard of their admittance for to bee ſworne, becauſe their depoſition is the ground of the matter.

5 That the plaintife hauing had three ſeuerall times to produce his witneſſes, ſhall not haue any other time to examine any more, vnleſſe he do ſweare; that he knoweth not what the former witneſſes haue depoſed, and the Iudge do aſſent thereunto.

6 If the witneſſes haue declared any thing obſcurely, they may declare the ſame more plainely, if the Iudge do deſire the ſame at the intreatie of the partie, according as he ſhall direct.

7 After publication of the witneſſes depoſitions, there may not any other witneſſes be depoſed vpon the ſaid interrogatories, or any matter touching the ſame.

8 That the witneſſes be examined of the time, of the place, and of the caſe it ſelfe, whether they haue ſeene or heard the ſame, & what they beleeue or know thereof, or of the report they haue heard.

9 That (to auoid charges) there be not too many examined.

**A Maxime of the Law of Arragon.**

The ſeuenth time is, when all muſt bee alledged which may any manner of waies make for the ſtate of the cauſe, and if it fall out that two witneſſes tell one tale (as it were) *verbatim*, their euidence is voide; and the eight time the Iudge proceedeth to a definitiue ſentence; and the ninth time (which muſt be done within tenne daies) the partie may appeale, and therupon for the tenth time, the pleyto or ſuite, with all the records, goeth out of that Iudges court to a higher court, where it may not depend aboue a limited time.

The obſeruations doe miniſter an occaſion, that many controuerſies are ended without law, for the parties are not ſure to obſerue theſe times, and the defendants which ſeeke delaies are not contented with ſo ſhort a time of pleading: the complainant alſo may know whether it be ſafe for him to take his oath as aforeſaid, that hee is in conſcience perſuaded of his right; and moreuer paying a fine for wrong moleſtation, abridged (with them heretofore) the multiplicities of ſuits.

**To abridge the multiplicities of ſhits.**

Omitting now to ſpeake of other courts of equitie, and calling law

and

and Equitie to bee the Common Law, ſo much commended aboue the Ciuile Law, by the ſaid Mr. *Forteſcue*, ſometimes Lord chiefe Iuſtice of the Kings Bench in the time of King *Henrie* the ſixth, who hath obſerued fiue points wherein the ſame conſiſteth; let vs obſerue many more to extoll the excellencie of the ſaid Common Law, as followeth ſummarily.

Excellencie of the Common Law of England.

1 Firſt, becauſe of the antiquitie thereof, for that in all the times that the Realme was inhabited by fiue ſeuerall nations, the ſame was ſtill ruled by the ſaid Cuſtomes that it is now gouerned withall; which if they had not beene good, ſome of the Kings of theſe ſeuerall nations, mooued either with juſtice, or with reaſon and affection, would haue changed or aboliſhed the ſame, eſpecially the Romanes who iudged all the world.

2 Secondly, for that the Kings of England at their Coronation doe take a ſolemne oath, to cauſe all the Cuſtomes of the Realme to be faithfully obſerued according to the former inſtitution.

3 For that the ſaid ancient Cuſtoms or Maximes therof are inexpugnable, and doe ſtand of their owne authoritie as Principles, which need no reaſon to confirme their authoritie, as the Lawes of *Solon*, *Draco*, *Carondas*, *Licurgus*, *Numa Pompilius*, and the Law of twelue Tables, &c.

4 Becauſe all differences and controuerſies, which happen betweene the King and his ſubiects are tried and determined by the Law; and if it be done in Parlement, or by the Iudges, it is ſtill according to the Law.

5 Becauſe the King perſonally giueth not any iudgement, eſpecially when himſelfe is a partie, ſeeing it is againſt the Law of Nature to be both judge and partie.

6 For that notwithſtanding the deceaſe of the Kings of England from time to time, the Iudges of the Courts of Record, that is to ſay of the Chancerie, of the Kings Bench, of the Common Pleas, which doe ſit as Iudges by the Kings Letters Pattents doe remaine authoriſed, and their power ended not immediately with the King; howbeit the ſucceeding Kings doe confirme them in their offices, whereby all ſeditions are preuented during the *inter Regnum*.

7 For that with indifferencie, without regard of perſons, it commandeth as well the Nobilitie and other perſons of dignitie by way of vtlagare or outlaw as the meaneſt ſubiects.

8 For exerciſing a power ouer the Iudges, which are not to judge of the Law, but by the Law: and therefore is the word *Iudicium* properly attributed to their determinations; euen as the word *Decretum* is vnderſtood of the ordinances or ſentences of the Magiſtrates, following equitie (as it were) without Law. For there is the like proportion betweene the Law and the execution thereof, called *Legis Actio*, as there is betweene Equitie and the dutie of a Magiſtrate called *Iudicis Officium*.

9 For that the officers thereof are authoriſed according to the qualitie and due execution of it, by a proportionable diſtribution, namely, The Iudges for terme of life, and officers ſubalterne changing from yeare to yeare, to the end the adminiſtration of juſtice may bee more indifferent.

10 For the diuerſitie of the triall thereof in ſeuerall Courts, according to Law and Equitie, is the cauſe of an agreeing and moſt neceſſarie diſcord, as it were, *Concordi Diſcordia*, whereby the bodie of juſtice is ſupported by ſtriuing, as the ſtones vpholding a vault, as *Cato* ſaith.

11 For that the Iudges in criminall cauſes doe change from time to time their circuits, and inferiour Iudges of the Court doe execute the place as well as ſuperiour Iudges, whereby partialitie is preuented.

12 For that the Law tendeth moſt carefully for the good and preſeruation of life and goods of euerie good and honeſt man, ſeeing that euen in criminall cauſes, it hath prouided (as much as may ſtand with juſtice) a helpe and fauour, permitting the Iudges to order the pleading of offendors and to inſtruct them to auoid miſpleading, and giuing them leaue to except againſt the Iurors, which they diſlike.

13 For that it doth forbid the ſale of offices, thereby intending due adminiſtration of juſtice; for where offices are ſold (as it were) by the Great, there juſtice is commonly ſolde by Retaile.

14 Becauſe the ſame is moſt agreeable with the nature and diſpoſition of the people, and the qualitie of the countrey, which by reaſon of the fertilitie, affordeth verie conuenient meanes for the triall thereof by Iuries of twelue men, the nature of the people being gentle.

15 Becauſe men are to reduce the ſtate or iſſue of their cauſe vpon one peremptorie exception to bee tried by the verdict of twelue men, whereby matters are determined with expedition.

16 For that it commandeth not any thing, but what is honeſt, reaſonable, and poſſible in it ſelfe, and all impoſſibilities are excluded thereby.

17 For that thereof may bee made an Arte or Science in manner before declared, ſeeing the ſame is finite in her Precepts, according to the old Maximes or Principles, whereunto euerie thing being reduced and explained, as aforeſaid, all ambiguities and darke ſentences would be taken away, and the Iudges ſhould eaſily giue a cleare vnderſtanding thereof, according to the order of *Solon*, who made the Arropagits of Athens to be as Guardians of the Law.

18 For that the triall thereof by a Iurie of twelue men vpon one point peremptorily or in certaintie is briefe and ſubſtantiall, be-

cauſe

cauſe the witneſſes which are produced before them (by whoſe euidence the ſtate of the cauſe is made) muſt be approued by the verdict of twelue men, as aforeſaid.

19 For that the matter of Fact is diſtinguiſhed from the matter of Law, and is accordingly decided either by the Iurie, vpon the matter of Fact, or by the Iudges vpon Demurrer or otherwiſe vpon the matter of Law.

20 For the indifferencie of the triall of controuerſies and queſtions betweene the natiue ſubiects and aliens: for they may haue their trialls *Per medietatem linguæ*, that is to ſay, halfe the Iurie of ſtrangers and the other halfe of Engliſh ſubiects, to auoide partialitie.

21 For that the Serieants and Councellors at the Law are to giue counſell, and to helpe the poore, which are not able to proſecute Law at their owne charges, which they doe *in forma pauperis* by direction of the Lord Chancellor, and the Lords chiefe Iuſtices of the Kings Bench and Common Pleas.

22 Finally, the Common Law is excellent for hauing fewer faults and imperfections, than any other Law, being moſt ſufficient to vphold the common-wealth in quietneſſe.

Thus the Common Law of England, hath like a Queene a Predominant power, from whence proceedeth mutuall loue and ſure amitie from the Prince to the ſubiects, and from the ſubiects againe due obedience to the Prince in a moſt pleaſant harmonie and concord, deſeruing the name of a Law receiued, publiſhed and recorded, without any reaſon to be rendred for the ſame (as it were) *Lex cum Prologo*, wherewith *Seneca* found fault when he ſaid *Iubeat lex, non ſuadeat.* And as the Law is deriued *à ligare* to bind, ſo is the whole State of the Common-wealth bound to the head, and may be made eaſier in practiſe: For as the ſaid *Seneca* ſaith, *Nil eſt quod pertinax opera, & diligens cura, non expugnat.*

## *Of the Lawes of the Kingdome of France.*

THe Lawes of France are either written or cuſtomarie, and according to this diuiſion the countrey is diuided. Acquitanie, and a part of Celtica next vnto it, is called *Pays de Droict eſcript*, because the Ciuile Law of the Romanes is there in force: the reaſon whereof is thought to be, becauſe the Romanes did continue long in thoſe parts after the Frankes had made a thorough conqueſt of the other. Belgica and the other part of Celtica is called *Couſtumier*, becauſe for the moſt part they are gouerned by their auncient cuſtomes, which amongſt them haue the force of Lawes: howbeit neither the Ciuile Law, nor the cuſtomarie are further in force than they are agreeable with the Edicts of the King.

Written Law.

Ancient Cuſtomes.

Vnder the Law written are comprehended,
The Ciuile Law.
The Kings Edicts and Ordinances made by aduice either of the priuie Councell, or of the three eſtates, and
The Arreſts or Ordinances of the Courts of Parlement.

In the erections of their vniuerſities of Law, the King expreſly declareth, That they are not bound to the Ciuile Law, neither receiue it for further vſe than to draw inſtructions of good gouernement and reaſon from it, as appeareth in the Charter at Orleans, by *Phillip le Bell*, *Anno* 1312, wherein hee ſheweth that this Realme is gouerned by Cuſtome, and not by the Ciuile Law; except in ſome Prouinces, which the Kings haue permitted in ſome caſes ſo to doe, not as bound, but as willing to continue the Law which their ſubiects of auncient time haue vſed. So that the Ciuile Law generally is not in force, but onely for direction and forme of pleading and proceeding in the order of the proceſſe: and where it is moſt in force the Courts of Parlement haue authoritie to conſtrue and interprete it, as they thinke good.

Of all the written Lawes in France, the Ordinances and Edicts of the King are moſt in force; inſomuch as they are acknowledged for the onely Lawes, and all other haue their life from them, and are ſo farre forth auailable as they are ſtrengthened by them.

The arreſts of the Courts of Parlement are of great authoritie, being pronounced in the name of the King, and are as Lawes to be followed in all caſes.

In like manner their Ordinances are to be followed onely during the time that the King prouideth, not otherwiſe, and in their owne circuit onely; for they haue not authoritie to make Lawes generall and perpetuall.

The Cuſtomes which diuers Prouinces claime, are of late yeares drawne into writings and publiſhed in print, for the more eaſie vnderſtanding of them, and the auoiding of confuſion; ſo that now all the Lawes of France may be ſaid to be written Lawes: this was begun in the time of *Charles* the ſeuenth, *Anno* 1453, and ordered alſo in the time of *Henrie* the third, *Anno* 1579.

Subſidies and jmpoſitions.

This manner of gouernement cauſeth ſubſidies and jmpoſitions to bee made as reuenues of the Crowne by the Kings authoritie; which were at the firſt granted by the three eſtates, vpon vrgent neceſſitie of the affaires of the Realme onely, but now they are growne to be ordinarie. *Charles* the ſeuenth was the firſt that made them ordinarie for the payment of ſouldiers. *Francis* the firſt, and *Henrie* the ſecond did the like.

Clergie, Nobility, and Commonalty.

Perſonall ſubſidies are taken by the pole, whereof Eccleſiaſticall men, Noblemen, and Officers of the King, Queene, and children are exempted.

Reall

Reall or patrimoniall ſubſidies are leuied by lands in ſome prouinces, as Languedoc and Prouence, whereof no perſons are exempted.

Mixt ſubſidies are leuied of the yeomandrie, and ſome perſons of meanes.

The greateſt impoſition is vpon Wines, now fifteene ſoulz vpon euerie mewe.

And vpon Salt, appointed by *Philip de Valois*, called Magazins or Gremers for ſalt, forbidding Merchants to trafficke for it, ſetting a rate of foure deniers vpon euerie pound of ſalt. *Francis* the firſt made the ſame perpetuall, as the domaines of the crowne; and all men are compelled to buy it at the Magazins, vpon paine of puniſhment. This impoſt is letten to farme for two millions of crownes, or ſix hundred thouſand pound ſterling yearely. Magazins of ſalt.

The right of the ſea belongeth to the King, and he may lay impoſitions thirtie leagues from the land into the ſea, if no other ſoueraign prince be not within that precinct.

There are eight courts of Parlement in France, and eight chambers of account.

| | | |
|---|---|---|
| At Paris erected 1302 by *Philip le Bell.* | At Paris. | Courts of parlements. |
| At Tholouze alſo, and confirmed by *Charles* the 7. | In Britaigne. | |
| At Grenoble 1453 by *Lewis* the 11. | At Dion. | Courts of accounts. |
| At Bourdeaux 1462, by *Lewis* the 11. | At Monpellier. | |
| At Aix 1501, by *Lewis* the 12. | In Dolphine. | |
| At Dion 1476, by *Lewis* the 11, for Burgondie. | In Prouence. | |
| At Roan 1449, by *Lewis* the 12 for Normandie. | At Blois. | |
| At Rheames 1553, by *H.* the 2, for Britainie. | At Roan. | |

## *Of the Salique Law of France.*

IT is an vſuall receiued opinion, that *Pharamond* was the author of this law: others thinke it was ſo called of the Gaules, that were called Salie, amongſt whom that law was eſtabliſhed; for the auncient Gaules termed all their lawes either Ripuarie or Salique, and in the time of *Charlemaine* they were called Saliques. Neuertheleſſe it is thought to haue beene inuented of latter time, as by *Philip le Long*, to fruſtrate the daughters of *Lewis Huttin*, or elſe to haue had the firſt ſtrength from an vſuall cuſtome of all Barbarians, which was neuer to ſuffer the females to inherit the crowne: and ſo being begun in the firſt and ſecond line of the kings, it hath continued in the third, and by cuſtome it is rather confirmed, than to be proued to be a law at any time ordained, hauing beene little account made thereof, vntill the controuerſies betweene *Philip le Long* and *Endes* duke of Burgondie, who claimed it for his neece *Iane*, daughter to *Lewis Huttin*, and *Philip de Valois* with *Edward* king of England. The booke of the Salique lawes is but a collection, howbeit, there is no example euer heard of, that any woman gouerned.

*Of the lawes of the higher and low Germanie, concurring with the Ciuile Law and the Courts of Equitie in ſubſtance.*

THe courts of Equitie beyond the ſeas, after bill and anſwere, replication and reioynder, and ſometimes duplication, and at laſt concluſion, with the examination of witneſſes in ſerious manner; The whole proceedings are deliuered to certaine Doctors or learned men which are as maſters of the Chancerie, or belonging to certaine Vniuerſities) to be abreuiated, which is called *ad rotulandum*, who doe cut off all ſuperfluous things which vpon the matter are confeſſed on both ſides, or are not materiall to the ſtate of the cauſe, to bring the differences betweene the parties to certaine points or heads, wherupon the ſaid parties (with the aduice of the aduocates or learned counſell) do diſpute and debate the ſaid differences to bring them (as it were) ripe and perfected before the Iudge. For if the defendant will take (couertly) any exceptions againſt the Iudge of that iuriſdiction, he may haue the whole proceſſe made vp in the name of *A.B.* and *C.D.* as it were complainant and defendant, without naming either of the parties, and the ſame to be ſent vnder the towne ſeale vnto Doctors, or other learned men of Vniuerſities, elected thereunto in other iuriſdictions, which do giue their ſentence or iudgement thereupon, and returne the ſame back againe vnder ſeale, before the Iudge where the cauſe was depending; who calling both parties before him, demandeth of them, whether he ſhal open the proces, and whether they will ſtand to the iudgement therein contained: and if the complainant deſcend thereunto, then is the defendant thereby concluded, ſeeing he had his choice, and did (in a maner) appeale from the Iudge, whereupon execution is preſently had, and matters are ended with expedition.

To abreuiate long proceſſe.

By the premiſſes we may obſerue, how other lawes are variable, and ſubiect to alteration, and that the Law-Merchant is conſtant and permanent in her cuſtomes, which therefore are not to be infringed, but ſeriouſly to be maintained by all the foure precedent meanes, or ſome ſelected courſe of execution to be deuiſed, concurring with the ſame. For the better furtherance wherof, and more exact explanation, by contraries, I haue for a Corrollarie of this worke added hereunto three Paradoxes alluding to the ſaid three Eſſentiall parts of Trafficke, which will illuſtrate the moſt materiall conſideration to be had in the courſe of Trafficke and Trade.

CHAP.

## CHAP. XVIII.

### *Three Paradoxes alluding to the three Essentiall parts of Trafficke.*

HAuing heretofore published a Treatise intituled *Englands view in the vnmasking of two Paradoxes*, which had beene presented vnto the French King *Henrie* the fourth, as a matter of great consequence, and considerable in the gouernement of common-weales; and finding that the true vnderstanding of them (with a third Paradox obserued by me) did properly allude to the contents of this booke, or the three Essentiall parts of Trafficke, namely Commodities, Money, and Exchange for Money, I did resolue to handle the substance of them for a Corrollarie of the same, the rather becausse Paradoxes are things contrarie to the vulgar opinion, and will also make all the premisses more manifest and apparant by their conclusion. Paradox, what it is.

The said two Paradoxes presented by *Monsieur Malestroit* one of the officers of the Finances or Treasurie in France, were as followeth, saying,

1 *That to complaine of the generall dearth of all things in France was without cause, for there was nothing growne deere these three hundreth yeares.* Commodities.

2 *That there is much to be lost vpon a crowne, or any other money of gold and siluer, albeit one do giue the same in payment at the price he did receiue the same.* Money and

The third Paradox which I haue added hereunto, is,

3 *That the imaginarie moneys supposed in Exchanges for money, made by Bills of Exchanges, do ouerrule the course and propertie of Reall and Substantiall moneys* in specie. Exchange.

*Monsieur Malestroit* saith, that since the ancient permutation hath beene changed in buying and selling, and that the first riches of men (which consisted of cattell) was transferred to the gold and siluer, whereby

Gold and Siluer are the Iudges of good cheape or dearth.

whereby all things haue receiued their eſtimation; it followeth that thoſe mettalls are the right judges of good cheape or dearth of all things.

Wee cannot ſay that any thing is deerer than it was three hundred yeares ago, vnleſſe that for the buying thereof wee muſt now giue more Gold and Siluer than wee did then: But for the buying of all things, wee doe not giue now more Gold or Siluer than wee did then; therefore (ſaieth he) nothing is growne deerer in France ſince that time.

To proue this, he doth alledge, That during the raigne of King *Philip de Valois*, in the yere 1328, the French crown of the flowerdeluce (as good in weight and fineneſſe as the French crowne of the Sunne now) was then worth but twentie ſoulz tournois, commonly accounted to be two ſhillings ſterling. In thoſe daies (ſaieth he) the French elle or yard of Veluet was worth foure liuers, which is foure crownes, or eight ſhillings ſterling: the ſaid elle of Veluet doth now coſt ten liuers, or twentie ſhillings, and the French crowne which was then valued at two ſhillings, is now valued at fiftie ſoulz, or fiue ſhillings; ſo that foure crownes do make the ſaid twentie ſhillings, yet the ſaid French crownes doe not containe more gold in weight or fineneſſe than before; and conſequently the veluet is not now deerer than it was then.

The gentleman that hath now fiue hundreth liuers by the yere to ſpend, hath no more than he that had one hundreth liuers to ſpend in thoſe daies: and in like manner he proceedeth for Corne, Wine, and other commodities, and thereupon concluded, That the dearth of all things, is but imaginarie, and a vaine opinion to conceiue that things ſhould be deerer now than in thoſe daies.

## *The ſecond Paradox.*

*THere is much to be loſt vpon a Crowne, or any other money, although the ſame be giuen in paiment at the price it was receiued.*

This (ſaieth *Monſieur Maleſtroit*) is an old and common error, rooted in the iudgement of moſt men, that are far from the marke and without their reckoning, as he will manifeſt in the former termes.

In the aforeſaid time of King *Philip de Valois*, the French crowne aforeſaid was worth but twentie ſoulz, which is now currant for fiftie ſoulz.

The gentleman that had fiftie ſoulz rent or income, did receiue for it two crownes and a halfe, or ſo much in ſiluer accordingly; for which two crownes and a halfe he had halfe a yard and halfe a quarter of veluet, after the rate of foure liuers the yard, which was the price of veluet then: now for this fiftie ſoulz the gentleman doth receiue but one crowne, or ſo much of ſiluer money, and for that one crowne now he can buy but one quarter of a yard of veluet after the

rate

rate of ten liuers that veluet is now worth, whereas before hee had halfe a yard and halfe a quarter, although hee haue giuen the same in payment for fiftie Sols, which is the price for which hee receiued the said Crowne; and so proceedeth with other the like examples in the buying of commodities with siluer coyne, or in the receiuing of rents or incomes, adding further thereunto, that if any man will obiect and say, I care not what the crowne, liuer or soulz is worth, so as I hauing a hundreth liuers of rent paied mee, and that I can pay out againe the said hundreth liuers. This man (saith hee) must then make proofe that he can haue now as much ware for two soulz, as he could haue had in times past for two soulz which were of fine siluer, and now almost of copper, and in doing so hee should make a third Paradox more strange than the former: for hee should goe about to prooue euerie thing to bee become better cheape, which cannot bee prooued.

The substance and intention of these two Paradoxes is (saith hee) to shew that the King and his subiects doe buy all things as deere as in times past, for that they must giue as great a quantitie of gold and siluer as in times past: but by the inhauncing of the price of the moneys of gold (from whence of necessitie proceedeth the abating of the siluer moneys;) the King doth not receiue in payment of his reuenues, such a quantitie of gold and siluer, as his predecessors. In like manner, Noblemen and Gentlemen that haue great reuenues and incombes, doe not receiue such a quantitie of gold and siluer as in times past, but are payed (as the King is) in copper in liew of gold and siluer. For which copper, according to the second Paradox, they cannot haue so much wares, as they might haue for the like quantitie of gold and siluer: so that the losse which wee haue by the growing deere of all things commeth not by giuing more, but by receiuing lesse quantitie of gold and siluer than before; whereby wee see manifestly that the more wee doe inhaunce the price of money, the more we lose.

Inhauncing of gold abateth the siluer, in regard of proportion betweene them.

*Monsieur Bodine*, the famous and learned Politician, tooke vpon him to make an answere vnto those two Paradoxes, being of another opinion, and setteth downe other causes of the dearth of things, which are fiue in number, namely;

The great French Politician.

1 The principall and almost onely cause: The aboundance of gold and siluer, now extant in the Kingdome more than in times past.

2 The Monopolies.

3 The Want of things causeth by excessiue Trade and wast thereof.

4 The Pleasure of Princes that aduance the price of things.

5 The alteration of the Valuation of Moneys.

To proue the first case and principall, he alleageth diuers examples: *Plutarch* and *Plinie* doe witnesse, that *Paulus Æmilius* after the conquest of Macedon against the Persians, did bring such aboundance of gold and siluer to Rome, that the people were freed of all

Examples of great wealth.

Impost,

Impoſts, and the price of lands aduanced vnto two third parts ſuddenly. The Emperour *Auguſtus* brought ſuch great treaſure from Egypt, that the price of vſurie did decreaſe, and lands became much dearer: and the like at Ieruſalem by the comming of the Queene of Candace: and in the Weſt Indies by the Spaniards conqueſt there: and heereunto hee maketh a compariſon of the want of moneys in times paſt, for the paiment of the ranſome of Princes taken priſoners in thoſe dayes, and the meanes of the increaſe of wealth by the diſcouerie of the Weſt Indies; the propagation of the people in France, their trade for Turkie and Barbarie, their Banke at Lyons, and other accidents.

The French King *Iohn* in England, &c.

Concerning the ſecond cauſe of Monopolies, hee doth paſſe ouer the ſame as a matter not conſiderable, and doth limit Monopolies onely to the combination of Merchants and Artificers, in the ſetting of a price to commodities, or their handie worke by augmenting their wages.

Touching the third cauſe of the dearth of things, by the want or waſte of them, hee obſerueth ſome eſpeciall things; that corne and wine are better cheape during the time of warre, than peace: becauſe the Husbandman is driuen to ſell and to make money of his wares, and the Gentleman finding the ſame periſhable, when the Merchant dare not lade his ſhips, doth abate the price of commodities, and maketh the people to liue good cheape; which according to the Prouerbe (*France can neuer be famiſhed*) would alwaies continue, if by the meanes of the ſtranger their ſtorehouſes were not emptied.

The Fertilitie of France.

Concerning the fourth cauſe of the pleaſure of Princes, impoſing a price vpon commodities, which they doe affect: *Plato* ſaith, That it is a generall rule in State matters, That Princes doe not only giue Lawes vnto their ſubiects, but alſo by their example they do change the manners of men: to which purpoſe hee doth vſe the example of their King *Francis* the firſt, who being hurt in the head, cauſed his haire to bee cut off, wherein the people did preſently imitate him: We haue ſeen (ſaith he) three great Princes ſtriuing (as it were) who ſhould haue the moſt learned men and beſt artificers, namely, the ſaid great King *Francis* the firſt, *Henrie* the 8 King of England, and Pope *Paul* the third; inſomuch that the King of England could neuer haue the learned and reuerend *Beda*; and the French King, did pay ſeuentie two thouſand Crownes for a Diamond, rather than King *Henrie* ſhould haue had it. Hereupon preſently the people did giue themſelues to ſtudie and to buy precious ſtones, when the Nobilitie did imitate the King: and when the King gaue ouer the ſame, the price of them was much abated.

The example of Princes, doth change the manners of men.

If any man ſhould here obiect (ſaith *Monſieur Bodin*) that if things ſhould ſtill become deerer, partly through the waſte, and partly for the aboundance of gold and ſiluer, no man ſhould be able to liue becauſe of the dearth of things. It is true, but the warres and calamities happening to a Common-wealth, doe ſtay the courſe of it, as

wee

wee may note, that the Romanes haue liued with ſcarſitie, and to ſpeake properly in want and miſerie almoſt fiue hundreth yeares, when they had but copper moneys of a pound weight, and without ſtampe: for their gold and ſiluer came vnto them in one hundreth and twentie yeares by the ſpoile of all the world, which was brought to Rome by the *Scipions*, *Paul Emilyus*, *Marius*, *Sylla*, *Lucullus*, *Pompey*, and *Cæſar*, eſpecially by the two laſt: for *Pompey* did conquer ſo much land, as made the reuenue of the Empire to bee eight millions and a halfe of Crownes. *Cæſar* notwithſtanding all his prodigalities, brought to the treaſurie fortie millions of Crownes, hauing giuen at one time vnto *Paul*, Conſull, 900 thouſand Crownes to hold ſilence; and vnto *Curion*, Tribune, 1500 thouſand Crownes to take his part. *Marke Anthonie* went further, as *Plutarch* and *Appian* haue written, for he gaue vnto his armie for their ſeruice done 200 thouſand Talents, being 120 millions of Crownes: ſo did *Adrian* the Emperour to haue the good will of fortie Legions giue ten millions, whereby appeareth great aboundance of gold and ſiluer to haue been at Rome, but it did not laſt euer: for in leſſe than three hundreth years the Parths, Goths, Hercules, Hongres and other cruell Nations did ouercome the Empire and all Italy, and ouercame the Romanes, burned their Citie and tooke the ſpoile of them. The like doth happen vnto all Common-weales to waxe and increaſe by little and little, and to flouriſh for a time in wealth and power, and afterwards to grow old and decline, vntill they bee vtterly ruinated and deſtroyed.

Copper moneys of one pound weight.

Great wealth of the Romanes.

The propertie of Common-weales.

Touching the laſt cauſe of the dearth of things by the alteration of money, hee ſheweth how *Monſieur Maleſtroit* hath miſtaken the matter in the monies themſelues made within three hundreth yeares. For whereas he ſaith, That Saint *Lewis* cauſed the firſt ſols to be coyned, worth twelue deniers, whereof ſixtie foure peeces went to the marke weight of eight ounces; and that in *Philip de Valois* his time, the Crowne of the Flower de Luce without number, and as good as the Crownes now, was valued but at twentie ſols, and that afterwardes King *Iohn* cauſed the Frankes to be made of fine gold, which were but valued twentie ſols, and that the ſols of ſiluer was worth fiue of our ſols: he doth not ſay of what weight and fineneſſe the moneys were in thoſe dayes, and in concluſion hee ſaith, That the price of things is not altered by the Valuation of moneys.

But if *Monſieur Bodine* (according to his wiſedome and deepe iudgement in other matters) had duely conſidered of theſe two Paradoxes, hee would haue made a direct anſwere thereunto before he would haue proceeded in his former diſcourſe.

The firſt Paradox being conſidered with the ſecond, will ſhew a manifeſt contradiction or contrarietie: for the firſt doth conſiſt in giuing of more gold and ſiluer for commodities now, than in times paſt, which hee denieth: and the ſecond, in receiuing leſſe commodities for the gold and ſiluer now, than in times paſt, which hee affirmeth;

The contrarietie of the Paradoxes.

which both wayes is to bee taken in nature of commutation.

Now if wee doe not giue more quantitie of gold and ſiluer for commodities than in times paſt; how can we receiue leſſe commodities for the gold and ſiluer, and thereby receiue a loſſe, as in the ſecond Paradox is alleaged?

Againe, if we doe receiue leſſe quantitie of commodities for gold and ſiluer than in times paſt, according to the ſecond Paradox, whereby we ſuſtaine a loſſe; how can the firſt Paradox bee true, That nothing is growne deere, for that wee giue no more quantitie of gold and ſiluer than in times paſt, commodities and moneys lying by this compariſon in an equall ballance?

But let vs admit, that *Monſieur Maleſtroit* had an intention, which hee might haue expreſſed in few words, if hee had the true ground, and vnderſtood the matter hee went about, by prooving onely that when moneys doe alter in weight, or in fineneſſe, or in valuation, or in all three, the price of things doth alter onely by denomination, if the valuation bee made accordingly: yet *Monſieur Bodine* had not made a good interpretation of the ſaid Paradoxes, and miſtooke the true ground of the matter in queſtion touching the prices of commodities, which hee compared within themſelues in the Realme of France: whereas the compariſon ought to bee of the inhauncing of the price of the commodities of one countrey, with the price of the commodities of other countreys, and thereby find out, whether things are growne deere with vs or with them in effect. So that they both miſtaking their grouuds, we haue ſhewed in the ſaid Treatiſe, That they (hauing loſt *Ariadne* her line, wherewith they entred into the laborinth of moneys and their properties before declared) are like vnto a man who hauing loſt his way amongſt the woods, the further hee goeth, the more hee erreth from the right way.

Cauſes of the denomination of moneys, &c.

To intreate therefore of commodities and money, in the courſe of trafficke betweene Kingdomes and Common-weales is not ſufficient: but the exchange of moneys, being the publike meaſure betweene them muſt bee regarded, as the principall and ouerruling part thereof.

For if a man ſhould frame a ſilogiſme in manner following, he ſhall find the ſame full of fallacies and miſpriſion, nay a verie *Dilemma*.

Nothing cauſeth Merchants to export more money out of the Realme than they bring in; but onely the bringing in of more commodities into the Realme than they carried out;

The vnderualuation of our moneys, cauſeth no more commodities to be brought into the Realme than is carried out;

*Ergo*, The vnderualuation of our moneys, cauſeth not more money to be carried out of the Realme than is brought in, as is declared in our laſt Treatiſe to hinder the inhauncing of our moneys, which by the Treatiſe of free Trade (lately publiſhed) was inſiſted vpon.

The maintenance of Free Trade.

We do alſo find, that in the yeare 1577, *Monſieur Garrault* one of

the French Kings Councell did exhibit two Paradoxes concerning moneys, which may (in regard of the former) seeme more paradoxicall or strange, not only to the vulgar opinion, but also to the iudgement of the wiser.

The first is an assertion, *That moneys haue not changed their values.*

The other, *That by the inhancing of the coine, or the price of moneys, the price of commodities becommeth abated and good cheape; and that by the reduction and abatement of moneys euerie thing becommeth deerer.*

To other Paradoxes.

And for as much, saieth he, that the matter of money is full of probleames, and may be disputed on both parts, his desire is, that some gentle spirit might be stirred vp to discourse of the reasons which may be alledged.

Touching the first, *That the value of moneys is not changed*, (omitting to speake of the Cicle of the Hebrews, the Staters of the Persians and Greeks, & the As or Denier of the Romans,) he saieth, That K. *Lewis* 11 did reduce the disorder of moneys vnto their former estate of K. saint *Lewis*, when the Denier of gold was esteemed (in weight) vnto 12 deniers of siluer, which is properly to be called the proportion between the gold & siluer heretofore noted: and hereupon he sheweth how the said proportion hath bin altered; yet so, that the siluer was alwaies made correspondent to the gold, and when the gold either in the marke weight of 8 ounces, was inhanced, & consequently in the peeces or coines; the siluer was likewise inhanced proportionably, obseruing the said 12 to 1, or sometimes thereabouts, either a little ouer or vnder; and this caused him to say, That moneys had not changed their values, it being only a comparison made betweene the gold & siluer, which is by weight, and not by valuation, to be applied vnto euery peece of coyne, especially to the French crowne of the flouredeluce or sunne; and the piece of siluer called Douzaine, alluding to the said 11 to 1, and the application thereof vnto the price of commodities is more absurd. The weight of 12 of siluer to 1 of gold maketh not the valuation of the mark weight of gold and siluer, much lesse the valuation of the pieces coyned of the said marke, whereby we see how one distinction is able to dispell and disperse the foggie mysteries of deceitfull fallacies, as the Sunne driues away the winde and the clouds, heretofore by me obserued.

Concerning the second Paradox, he saith, That many are of opinion, that the inhancing and augmentation of the price of moneys engendreth a deerenes of all things, *quia sunt pracia rerum*: And that euen as, *proimminutione quæ in æstimatione solidi forte tractatur, omnium quoque pracia rerum decrescere oportet, pari ratione, si quod tractatur incrementum quoque & pracia rerum crescere debent*, Which opinion (saieth he) is grounded vpon the polliticke rule, That the value of moneys giueth estimation vnto all things, which is not ordinarily obserued: for Princes and Magistrates are manie times constrained to endure the incommodities of the time, by their prudence and vnderstanding; so that all lawes are not obserued, by consequence

following each other, whereby it commeth to passe, that the price of wares followeth not the price of moneys, but the common custome; for money was made to no other end, but to maintaine and continue the trade of merchandise, by meanes whereof the commodities and necessaries are brought from one place to another to auoid the ancient painefull and troublesome permutation: which trafficke is two-fold, namely, within the realme, and in forreine countries: within the realme the money is more commodious than necessarie, but for the straunger most necessarie, and therefore must be of a fine substance, as Gold and Siluer, to bee inclosed in a small roome, to transport great matters from one place vnto another. And if wee will meerely consider of this substance and effect of strange negotiation, wee shall finde nothing but a masked permutation of one thing for some certaine quantitie or weight of Gold or Siluer: for hee that trafficketh in forreine countries hath not such regard to the value imposed vpon money, as to the intrinsique goodnes which giueth the value, and hath the same function in other places, according to which inward goodnesse hee setteth a price vnto his commodities, to make thereof the like quantitie of Gold or Siluer as he hath laied out, ouer and aboue his charges and profit; so that the moneys remaining stable and firme, the price of Wares and Merchandises remaineth certaine without any augmentation, to shew that there is no inhauncing of the price, because of the augmentation of the price of moneys, which will make vs hereafter to see the good cheapenesse of all things (as he saieth,) for he that causeth some forreine commodities to come within the realme, knowing the alteration of the price of moneys, according to the vnbridled will of the people, will make the price of his commodities accordingly. And this the said *Monsieur Garrault* doth declare by examples of veluets and other commodities, and therefore he is of opinion, that moneys inhaunced should be reduced againe to their price, and that all debts made before that time should be satisfied *à lequipollent*, according to the rate, *vt pecuniarum vna & eadem sit semper potestas, & perpetua estimatione difficultatibus permutationum, aqualitate quantitatis subueniat &c.*

A good obseruation to be had by Merchants.

The power of money transferred to the Exchange of money.

Many other reasons (concurring with the former) are by him alledged, which I omit, because the whole foundation of the said Paradox is meerely an abuse of the people, as himselfe hath noted, admitting also the transportation of money, and finally confessing the inhancing of the price of moneys, and consequently the sale of commodities accordingly. All which is farre from the present course of trafficke, when the course of exchange is not considered withall, as shall be declared. True it is as the Ciuilians say, concerning contracts of commodities sold before the inhauncing of moneys, that *valor monetæ considerandus & inspiciendus est à tempore contractus, non autem à tempore solutionis*: but this not being obserued was the cause that many Merchants do agree to pay for commodities in currant money for merchandise,

merchandiſe, others that ſell commodities agree to be paied in ſpecies of ſo many ducats, dollers, French crowns, or other coynes, which is of late yeares eſtabliſhed to preuent the inhancing of coyne, and yet it cannot be ſufficient to preuent the ſaid incertaintie of the price of commodities. If the ſtandards of the ſaid moneys were by allay of copper altered, much leſſe would the aduice giuen that Merchants accounts ſhould no more be kept in liuers and ſoulz, but in French crownes to hinder the inhauncing of moneys, which in ſome countries is ſecretly practiſed to bee done of meere policie, when by publicke authorie it is forbidden, and might be effected, as within the realmes of England, Scotland, and Ireland, and other his Maieſties dominions, where the moneys are not inhaunced betweene man and man, and remaine currant according to their price, vntill the kings authoritie doe alter the valuation by Proclamation, albeit by exchange it is not ſo; and therefore according to my third Paradox, we ſhall find,

*The third Paradox.*

*That the imaginarie moneys in exchaunge doe ouerrule the ſubſtantiall moneys in ſpecie*: For the Merchants valuation of moneys in exchange doth ouerrule the Kings valuation of moneys within the realme. For when the King hath valued the ſhilling peece at twelue pence, Merchants vndervalue the ſame in exchange at 11 ½ *d*, and 11 *d*, not only in the price of exchange, but alſo receiuing beyond the ſeas the inhanced moneys aboue their values, and not valuing of them in exchange accordingly, as before hath been obſerued concerning the valuation of moneys and the imaginarie coines, or rather moneys, wherupon exchanges are made for ſo many ſeuerall places.

*Propoſition of the Earle of Donfermelling.*

The late Earle of Donfermelling (Lord Chancellor of Scotland) did propound vnto the Kings maieſtie in the yeare 1610, a certaine propoſition touching the inhauncing of gold, his lordſhip being of an excellent iudgement in mint affaires, That the French crowne of the Sunne which went neuer in England (to vſe his owne phraſe) all Queene *Elizabeths* time, aboue ſix ſhillings Engliſh money, went now for ſeuen ſhillings and three pence, and that the Engliſh double ſoueraign of twentie ſhillings went in France for eleuen francq; or twentie two ſhillings, and that both waies there had bin no alteration in the ſtandard. Whereupon he did demand, in writing, what was the cauſe of the ſaid difference or alteration, if this proceed (ſaid he) from the goodnes of the gold, that it is better in fineneſſe and allay, or in weight, or from the weakenes of the ſiluer, that it be worſe than it was either in fineſſe & allay, or in weight? then is the cauſe intrinſick and ſubſtantiall, and may be eaſily conſidered and reſolued, if it bee good or euill, to be intertained, maintained, and ſet forward, or reiected, and ſtayed from all further courſe: if there be any other cauſe or reaſon, it muſt of force bee extrinſicke and accidentall, let the ſame bee ſearched out: if it bee good to the Prince and eſtates weale and commoditie, it ſhould be aſſiſted and continued: if it be tried euill, proceeding from the policie and craft of trades-men, tending

tending onely to priuate gaine and commoditie, preiudiciall to the Prince and State to be gainestood and expelled. This proportion being sent vnto mee by a great personage then in high place, was made plaine by demonstration, to proceed of an accidentall cause by aduancing the Valuation of gold partly in England, when Crowne gold was valued from fiftie fiue shillings the ounce to three pound, and partly in France, when they did aduance the French Crowne *in specie* fiue soulz; aduising therewithall that to remedie the same, it was not to bee done by inhauncing of our gold still more and more, but in the price of exchange betweene France and vs, otherwise wee should vndervalue too much the siluer of the Realme to our exceeding losse, shewing withall how easily this might bee done, without alteration of the proportion obserued betweene gold and siluer for most places. But the contrarie was approued, and Crowne gold was more inhaunced to sixtie six shillings the ounce, by two seuerall Proclamations, which hath proued the losse of our Siluer in bullion or weightie coyne, daily breeding greater inconueniences by the want of our moneys, which by reason of the vndervaluation in exchange, and not by vndervaluation *in specie*, are continually exported, none imported but diuerted (by gaine) for other places, as hath beene declared. All which commeth to passe for want of true iudgement and experience in mint affaires, with the consideration of the said Essentiall parts of trafficke so often mentioned, whereof I hope (that in generall meetings for the publicke) more regard will be had, to the end it bee not recorded of vs, as it hath beene of some Parlements in Fraunce, that *in populi republica sententiæ numerantur, non ponderantur:* and then we shall be said to vnderstand the *Par*, by right distinction betweene the actiue and passiue.

November 1611.

*Phyſ. 3. lib. ca. 3.* *Aristotle* saith, that Action and Passion are meerely Relatiues, and that they differ no more than the way from Thebes to Athens, and from Athens to Thebes: let vs discerne therefore the one from the other, and we shall find that as the Liuer (*Money*) ministreth spirits to the Heart (*Commodities*) and the heart to the Braine (*Exchange*) so doth the Braine (*Exchange*) minister to the whole *Microcosme*, or the whole Bodie of trafficke. Let the Heart therefore by the Liuer, receiue his tinctured Chylus by his owne Mouth and Stomach, and the Bloud (full of Spirits) shall fill all the Veines, and supplie the want of moneys, the easie course and recourse of whose Exchange shal bring all things in tune, & serue all mens turnes. For euen as there are two courses obserued of the Sun, the one annuall, and the other by dailie declination rising and going vnder within the Ælcliptique line, euen so must we obserue in Exchange two courses, the one according to *par pro pari*, or value for value, the other rising or falling from time to time, as hath beene sufficiently declared: whereof the said *Aristotle*, *Seneca*, nor *Cicero*, nor any other Phylosopher or Orator could take notice in the infancie of trade, Exchange not being then inuented; neither do we find that any Temporall or Ciuile Lawyer

Two courses of Exchange like the two courses of the Sunne.

hath

hath entred into this important ſtudie, for the welfare of kingdomes and Common-weales (by the rule of Equalitie and Equitie) hitherto.

To conclude therfore this Paradoxicall diſcourſe, I cannot omit to doe the ſame, with another Paradox by me obſerued, in the making of moneys of gold and ſiluer, namely;

That a man may commixe Bullion to make a certaine ſtandard of moneys, either of gold and ſiluer, and after the commixture made, ſhall alter the ſtandard and make the ſame better or worſe, without putting any allay or ſiluer and gold vnto it. A very ſtrange Paradox.

That is to ſay, I will melt downe eleuen ounces and two pennie weight of fine ſiluer, and eighteene pennie weight of copper, both one pound Troy of twelue ounces in weight; making the ſterling ſtandard, and yet my moneys made thereof ſhall be but tenne ounces fine. In like manner I will melt downe tenne ounces of ſiluer, and two ounces of copper and more to make a ſtandard of tenne ounces fine; and yet my moneys made thereof ſhall be eleuen ounces fine, or ſterling.

To vnderſtand this myſterie or Paradox, wee are to note that in the making of a ſtandard of moneys, three things *muſt concurre* and haue an equalitie proportioned vpon the pound weight of twelue ounces Troy, namely, Fineneſſe, Allay, and Weight of the peeces made out of a pound, which is the ground worke of the ſubtile aſſay; according to which all Aſſaymaſters make their calculation by the marke of eight ounces, or the pound of twelue ounces, making one marke and one halfe.

Suppoſe now that (as in ancient time of King *Edward* the third) one pound weight being diuided into twelue ounces, euerie ounce was diuided into twentie peeces, or is now diuided into ſixtie peeces, or three pound making ſixtie ſhillings, which then made but twentie, and that theſe twentie peeces or ſixtie ſhillings were diminiſhed by the ſheyre, and there is made twentie two peeces, in regard of the twentie or ſixtie ſix peeces, in the liew of ſixtie peeces, which is tenne in the hundreth that the ſaid peeces are lighter than before, conſidering peece by peece: Now an Aſſaymaſter receiued one of theſe peeces to make an aſſay thereof in manner by vs declared (in the Second Part of this Booke, in the ſeuenth Chapter of the aſſayes of Bullion and Moneys) and hauing weighed the ſame, he calculateth how many of theſe peeces doe make or weigh one pound, and hee findeth twentie two or ſixtie ſix peeces or thereabouts, becauſe of the vneuenneſſe of the ſheyre, which being tried, hee maketh report of the fineneſſe accordingly: ſo that wanting in regard of the pound, tenne in the hundreth by weight, there muſt needs be wanting ſo much in finenes, and ſo eleuen ounces molten downe, is found to be but tenne ounces fine: and in like manner, &c. All which in matter of exchange can be

be considered of and presented as it shall please the Kings Maiestie, and his Highnesse priuie Councell.

Ebbing and flowing of waters, compared to the falling and rising of exchange.

The predominant Power of exchange rising and falling in price, may bee compared to the ebbing and flowing of the Seas, whereof no reason can be rendred, albeit wee find the course thereof to concurre with the increase and decrease of the Moone, which borroweth her light from the Sunne, whereunto we may attribute a naturall *Primum Mobile* of mouing.

This motion is not so perceptible in the maine Ocean Seas, as visible in the riuers, streames, and branches thereof. Euen so in the seas of exchanges, we are to ascribe the first motion of rising and falling in the price of exchange vnto the Bankers, albeit the operation of it be not so apparant in those maine exchanges, as vpon the bankes of the course of trafficke by commodities and moneys (subiect to inundation) in the particular exchanges of some countreys, which runne into the maine ocean of exchanges, as a riuer or branch of the same.

As this ebbing and flowing is aggrauated by accidentall causes of raine, snow, and the like by the alteration of weather: so doth the rising and falling of exchange, increase and decrease by the alterati- of State affaires betweene contending Princes, according to the vse of moneys. And euen as the seas are girt in by Gods commandement, that they cannot ouerflow the mayne bankes of the earth; so the course of the rising and falling of exchange in price, may bee girt in by the Kings commandement, that it shall not ouerflow the course or bankes of trafficke to the inundation of our home commodities and moneys.

A great consideration beyond the common capacitie of men.

This Simile putteth me in mind to remember the Poeticall fixion of the serpent *Hidra* with many heads, whereof one being cut off by *Hercules*, forthwith another did appeare, alluding therein to the riuer *Nilus* which had many branches, whereof the one being stopt in one place, caused another to ouerflow in another place, augmenting *Hercules* Labours, being therein like vnskilfull Phisitians, which (to cure a disease) doe many times cast the bodie into a more dangerous sicknesse: whereas the learned Physitian will find an easie cure, knowing the efficient cause of the disease, without which conceited remedies are but meere shifts and extremities.

*Aristophanus* hath painted forth the agonie of an aged man, altogether shipwracked by vsurie, who thinking to haue found out the way to be eased of his slauerie, did propound vnto *Socrates* this demand, That if he should (by the inchantment of a witch of Thessalia) fetch the Moone out of heauen, and bring it away, and afterwards inclose it in a case of glasse, and so keepe it, as if hee would keepe a flye in a boxe: *Socrates* demanding, what good that would do him? he answered, if the Moone doe neuer rise againe, I being constrained to pay money by the new Moone shall be freed of that trouble. A strange shift that this poore man was driuen vnto (apprehending a shadow for

for a reaſon) to plucke by violence the Moone out of heauen for his helpe, for in truth the witch did her beſt, and began to charme the Moone, which when the vſurer vnderſtood, did put him in ſuch a pelting chafe as was wonderfull to behold, for accuſing this poore man of enchantment, at laſt hee went himſelfe to another witch, not onely to keepe the Moone from comming out of heauen, but alſo to haſten the courſe of her ſaſter, to recouer his vſurie the ſooner. Good God what a trouble was the Moone put vnto betweene theſe two witches? What ſtormes and tempeſts did ariſe? What horrible wind did blow? What great raine did fall? What floods enſued euerie where? So that countreys were almoſt drowned, and vnder water in many places.

The morall of theſe Metaphores, concurring with our former compariſon, doth not onely ſhew vnto vs the operation and coniunction betweene the Moone and waters, but alſo the folly of vaine conceited remedies.

The propounded remedie therefore for the reformation of the abuſe of exchanges, is grounded vpon the rule of Equalitie and Equitie, whoſe Antitheta are inequalitie and iniquitie, which euerie man ought to ſuppreſſe: Equalitie is amiable and accompanied with eaſe and facilitie, but inequalitie is hated and aſſociated with trouble and difficultie. The difference whereof is like vnto this Geometricall Axiome, in commendation of the inuention of round wheels to draw and carrie loads with a ſmall ſtrength, *Circulus tangit planum vnico puncto*: For if the wheeles ſhould haue beene made ſquare, or in any other polyangle and proportion, fortie horſes would not ſo eaſily draw them being laden, as two doth now with ſpeed and eaſe: what eaſier thing can there be, than to ſet and command a price in exchange to be obſerued according to the value and equalitie of moneys domeſticall and forraine; and to let all Merchants exchange one with another by Billes of Exchanges as they now doe, and can agree amongſt themſelues, but neuer vnder that price ſeeing it is againſt all reaſon, nature, and policie to vndervalue the Kings money by exchange, and all the commodities accordingly to the incredible loſſe of the Realme. Will not this be as eaſie to be done, as we ſee the rudder of a ſhip doth gouerne the greateſt carracke or veſſell, being but a ſmall peece of timber faſtened vpon the paralell of the keelne of the ſhip, whereby it is directed according to all the variations of the Compaſſe, as wee haue ſaid elſewhere?

A moſt eaſie remedie, as aforeſaid.

Let the practiſe hereof aſſure vs, and we ſhall not need to ſeeke the golden Fleece in *Colchos*, which wee haue within our owne Iland of Great *Britannia*; our feeble pulſes will be felt, when our hammers ſhall beate in the Mint, for moneys and bullion, are (to the State) a ſecond life.

If any Hedgmint (for ſo doe the States of the Vnited Prouinces of the Netherlands call the Mints of pettie Lords, which by falſified ſtandards do imitate to coyne the money of other Princes) ſhould ſeeke

Hedgemints what they be.

ſeeke to maintaine inequalitie, all their imaginations will proue to be but chymeraes and toyes: for it will bee eaſier for the King to alter the price of this equalitie of exchange accordingly, than it is for a Miller to turne his mill to grind his corne with all windes; inſomuch that when it ſhall bee once eſtabliſhed and knowne, there will not want ſome backbiter or *Momus* to make little eſtimation of this *Columbus* voyage to the rich *Indias*, and goe about to diſgrace this great ſeruice to the King and Commonwealth, for they ſhall be able to ſet an egge on the end (by way of imitation) as others did when they ſaw it done before.

Prerogatiue Royall to ſet a price for moneys.

By theſe meanes ſhall the ancient Office of the Kings Royall Exchanger bee ſupplied, and it is one of the greateſt prerogatiues the King hath to ſet downe a price on his owne coyne, and thereby to giue a certaine meaſure to buy and ſell, which is by the Merchants exchange and conniuence of tolleration by forraine States abridged, and in a manner fruſtrated: and it imports the King more to reforme this exchange, than any other Prince; becauſe God hath ſo bleſſed England, that no Nation of Chriſtendom trafficketh ſo much in bulke of Staple commodities as this Realme, which *Boters* (though altogether Spaniſh in times paſt, and no friend to England) confeſſeth, that two yeares before the taking of Antuerp, all the wares of Chriſtendome being valued and ſummed (by the officers of that City) which were vented there in one yeare (the whole being diuided into ſixe parts) the Engliſh amounted to foure parts thereof; which is the cauſe alſo that England hath the head of exchange, which is our Baſis and foundation of our twentie ſhillings ſterling, whereupon moſt exchanges are made, and this head may command the members and parts of the body more conueniently by the Kings commandement, as before hath beene declared.

*An.* 1584.

The Baſis of Exchange.

I haue in this Chapter thought conuenient to remember this important matter againe, with a varietie of ſtile to reuiue and recreate the ſpirit of the Reader, to the end (all the premiſſes) may in his apprehenſion and conceit giue more delight and pleaſure euen to naturall mother wit, whoſe commendation may not bee omitted.

CHAP.

## CHAP. XIX.

### *The due commendation of naturall Mother Wit.*

FOr as much as all humane actions being fallen from perfection to imperfection, are to aſcend againe from imperfection to ſome meaſure of perfection; Naturall Mother Wit caſting her eyes backe, *Per varios caſus, per tot diſcrimina rerum*, challengeth the precedencie of Art by way of *Proſopopeia*, by her ingenious obſeruation of number, weight, and meaſure, vnder which ſhe hath noted, that all ſubſtantiall things vnder the cope of Heauen are ſubiect. Who will denie (ſaieth the intellectuall part of Wit) that euen as *forma dat eſſe rei*, ſo I cauſed dame Nature to performe her function by producing ſpotted lambs, when I ouercame the eie-ſight in generation, ſo when the teeth of infants come forth orderly and conioyned by my obſeruation, are they made an obiect for the tongue to play vpon? did not I teach thoſe that could not pronounce the letter R, to lay little pimble ſtones vnder their tongue, to eleuate the ſame, to make them apt thereunto, as alſo to cauſe the ligaments to be broken, without which the Grammarian cannot aſcribe to himſelfe, *Vox literata & articulata, debito modo pronunciata?* By which abilitie, the Caldean, Hebrew, Greeke, and Latine letters were afterwards by Arts inuented, vpon which foundation Logicke was builded, whereby I cauſed *verum & falſum* to be diſtinguiſhed, and trueth to be deſcerned, which the Logitians haue ſo much obſcured by their Sillogiſmes and Arguments founded vpon Diſtinctions, Diuiſions, Subdiuiſions, Quillets and Exceptions by varietie of termes, that without my helpe the trueth can hardly nakedly be knowne, which by Art ſhould be made plaine and not intricate; for a ripe Wit will diſpell the foggie myſteries of deceitfull fallacies, as the Sunne driueth away the winds and clouds. Poets are beholding vnto me, whoſe Naturall wittie facultie maketh them famous, according to the prouerbe, *Naſcimur Poetæ fimus Oratores.* But now Art ſteppeth in, and claimeth the honour of Rhetoricke, as deuiſed by her with the helpe of the facunditie and fluencie of ſpeech, and is called *Ornatus perſuaſio*, whereunto

*Gen. 30. ver. 37*

*Grammatica.*

*Logica.*

*Rhetorica.*

the

the celeritie of Wit occurreth, saying, soft sir, do not take me to be all Wit without wisdome, like vnto trees full of faire leaues without fruit, for loe, yonder commeth Arithmeticke, which is the originall and ground of all the seuen liberall Sciences or Arts, without which, non of them can subsist; her poesie is *Par & impar*. This foundation was laied by me amongst the heathens and vnlearned creatures of America, and other countries, to demonstrate numbers by fingers and toes, telling two, three, foure, and so to ten, then ten and one, and ten and two, and so forth, still making signes as they speake, and when they will reckon twentie, they will hold downe both their hands to their feet, shewing all their fingers and toes, and as the number is greater, so will they double and augment the signe, obseruing the same by a little bundle of stickes laied or tied together, and separated a sunder, obseruing thereby their paiments and promisses, according to Number, Weight, and Measure. This is that accounting by scores yet vsed, whereof their Arithmeticke gaue denomination before any of the said Arts were inuented; and this is properly to be attributed vnto me *ab origine*. For I haue noted, that in things created and ingendred the Elements are numbred, proportionated, and weighed, which is the cause of the diuersitie of things existant of Matter, Forme, and Depriuation, whereof euen the letters (to describe them) are numbred, and the figures of the leaues of herbes and plants doe declare their vertues. Vpon this ground of naturall Arithmeticke is Geometrie builded: for the proportions of all measures drawne from vnitie, which is the fountaine of numbers, whereby measures are described, before the art of it was inuented. Is it not my only and first obseruation that Musicke was practised by the sound of the hammers of *Tubalcayn* vpon the Anuile, whereby so many and sundrie musicall instruments haue beene deuised? Lastly for Arts Liberall, Is not Astrologie obserued by the Wit of the Ægyptians in many hundreth yeares, whereby they haue found out the course of the Heauens and Starres, with their distances and dimensions, explaned by Arithmetick and Geometrie, whence the Inch, Thumbe, Finger, Palme, Hand, Cubit, Brace, Foot, Pace, and all other measures and proportions haue beene deriued? The little infant not three yeares old was taught by me to discerne his portion, in eating pottage with the pig, saying take a spoone pig, when the slabbering of the pig carried away the bigger part; for I did note before *Euclide*, that the whole is bigger than his part, which diuided into equall parts are all alike.

*Arithmetica.*

*Geometrica.*

*Musica.*

*Astrologia.*

You that are passing by, stay and pause a while, looke vpon Natural Mother Wit, that hath obserued the beginnings, progresse, continuance, and end of all things, wherein I do supplie and disguise many defects and deformities both in the mind and bodie of man: and when there is found by me abilitie of Nature, then Art giueth facilitie; as a Maxime in Physicke I found, that *contraria contrarijs curantur*, and that the franticke man is excepted out of this rule, for he must be fed in his humerous disease; for he that did imagine that he was dead,

A Maxime in Physicke.

dead, and therefore forbeare to eate, was made beleeue (by the fight of counterfeit dead men eating) that dead men did eate, whereby he fell to his victuals and ſaued his life, and at laſt was cured.

I made the deafe Muſitian of Bridges to vnderſtand all men in three ſeuerall languages, only by obſeruing the motion of the lips without hearing of any voice or ſound at all. Maſter Viues. Anno 1585.

It was I that made the blind man in Antuerpe to make (in a darke place) rare wooden trumpets of excellent ſound, and carued images of his owne inuention, as alſo by the imitation of other pictures, only by the ſenſe of feeling: and vnto mee belongeth the inuention of ſpectacles, proſpectiues, and other preſeruatiues of ſight, and remedies for all the other ſenſes.

It was I, that (by orgaines of the mouth, being touched by a ſticke held vpon the virginalls, and reſting vpon the teeth) cauſed the deafe muſitian to teach mens children to play vpon them, whereby he got his liuing.

I did teach the maiden to ſow and write with her feet, when both her hands were lame and impotent. And vnto others I did ſhew meanes to cure lameneſſe, giuing ſtrength to the ſinowes, onely by rubbing and conducting the bloud into the veines, by a warme hand, without art; for I did obſerue that in the Microcoſme, or the little world of mans bodie, there are diuers naturall cures and remedies, namely, The naturall cures of the bodie.

The ſpittle diſſolued into water, and powred into the eare cureth deafeneſſe, taketh away itching or ebulition of the blood, and cleanſeth inuetorated wounds and ſcratchings.

The ſweat of the feet by ſmelling cureth the palſie.

The eare waxe anointed in the noſtrils, comforteth the ſmelling.

The vrine laid on with browne paper, aſſwageth the paine of the gout.

The excrement laid on, qualifieth the immoderate heate of the bodie.

The pairing of the nailes taketh away the drowſines of the braine.

The fleagme diſſolued openeth the conduit pipes: The coldneſſe of the hands applied to the head taketh away the dolour of the brain, and many other obſeruations may be vſed in liew of other remedies.

The iudgement which *Salomon* gaue betweene the two women which were ſtriuing for the child, vpon the diuiding and partition of it; did it not proceed of mother wit by naturall reaſon? Naturall wiſe iudgement.

*Alphonſus* King of Naples (vpon a deniall that a father made who would not acknowledge his ſonne becauſe of ſome priuate quarrell) was aduiſed by mee to commaund the ſonne to bee ſold for a ſlaue, and then nature could not faile to ſhew her operation: which in like manner cauſed *Claudius* the Emperour to command a malitious mother to marrie her ſonne (denied by her) who rather than to doe the ſame, did acknowledge and confeſſe him to be her ſonne.

Naturall wit made the Bees to diſcerne the naturall flowers from the

the artificiall flower, although the same was made of wax, and did retaine the smell and sweetnesse of honie. And I haue obserued the naturall and violent passion of the loue of parents to their children, in so much that not many yeares since, a father (thinking to haue beaten his sonne) receiued a mortall wound at his sonnes hands, being thrust in with a sword through his bellie, did not cease to crie vntill death, that his sonne should flie thereby to escape the punishment of justice. Infinit are my experiments in Nature, before Art was; but tell me Art, canst thou make any thing but of things alreadie made, putting a distinct determination betweene things for the better vnderstanding? whereunto Art replying said and plainely confessed, that she could do no more without Mother Wit, than an artizan or crafts-man can do without materialls & tooles in matter of his profession or occupation. And hereupon did Mother Wit conclude not onely to haue the precedencie of Art, but also to be able to controll Art without either Logicke or Rhetoricke.

Naturall Logicke.

The countrie Coridon hauing a scholler to his sonne, demanded of his sonne what rare things, and exceeding his ordinarie knowledge, he had learned, whilest they were at dinner: the sonne seeing two roasted chickens in a dish, told his father, that he could make him beleeue that these two chickens were three, which was admirable both to his father, and all his guests; the sonne being thereby inflamed, said looke sir, here is one, pointing at the chicken, and here is two, pointing at the other chicken, and no man can denie but that one and two are three: but Coridons Wit did proue actiue, for he gaue his wife one chicken, and tooke the other chicken to himselfe, and willed his sonne to take the third chicken for his learning, if he could find it, whereby Art was controlled.

(***)

CHAP.

## CHAP. XX.

### *Of the Ancient Gouernment of the Staple.*

THE precedent ſhort commendation of Mother Wit, miniſtreth an occaſion to enter into a retrograde conſideration, how the courſe of Trade was managed heeretofore; remembring in this particular the Prouerbiall ſpeech, *Nil noui ſub Cælo*, the rather for that ſo many good Acts of Parlement haue beene made, long ſince concerning the ſame, when the Staple of our commodities did *flouriſh*, both here and beyond the Seas, in the time of King *Edward* the third. And hauing of late publiſhed tenne *cauſes* of the decay of Trade, it may be thought conuenient to examine the ſame vpon the ſaid points. The maintenance of free Trade, *Anno* 1622.

1 The *vnder*ualuation of our moneys by Bills of Exchanges, and the ouerualuation conſequently of forraine coyne vnto vs, which is the Efficient Cauſe of the want of money in England.

2 Vſurie Politike practiſed by many, and abandoning Trade.

3 The litigious ſuits in Law, to the hindrance of Trade.

4 The neglect of the fiſhing Trade, preoccupied by other Nations.

5 The endraping of Wooll in other countreys, of late much increaſed.

6 The policies of Merchants of ſeuerall Societies.

7 The falſe making of Cloth and other manufactures.

8 The exportation of the materialls of Woolls, Woolfels, &c.

9 The warres of Chriſtendome, Pirats, and Bankerupts.

10 The immoderate vſe of forraine commodities within the Realme.

But before we come to this examination, let vs obſerue the beginning of the Staple, and their priuiledges in the gouernement thereof. The beginning of the Staple.

The moſt ancient foundation of Merchants and merchandiſing in this Kingdome, both for Trade and Gouernement, had by continuance of time before King *Henrie* the third, did obtaine the name of Staple; the commodities of the Realme, as Woolls, Leather, Woolfells,

fells, Lead, Tinne, Butter, Cheese, Clothes, and other commodities were called Staple Merchandise: The Ports from whence the said commodities were to bee transported, were called Staple Ports, as London, Westminster, Hull, Boyston, Bristoll, Southampton, New Castle, and other places: The places of residence of these Merchants, both within this land and beyond the seas, were called the Staples; the Lawes and Ordinances made by the said Merchants, were called Staple Lawes: vnder their gouernement (consisting of a Maior, two Constables, and other Officers) hath the trade of this Kingdome time out of mind flourished, to the great inriching of the Kings and Kingdomes: and it hath beene supported and assisted by the wisedome of the State in all ages, as may appeare by the seuerall Acts of Parlement made for that purpose in the times of *Henrie* the third, *Edward* the third, *Richard* the second, *Henrie* the fourth, *Henrie* the fifth, *Henrie* the sixth, and King *Henrie* the seuenth. So that comprehending the Merchants aduenturers Societie with them, which began in the said time of King *Henrie* the seuenth, it is aboue foure hundreth yeares standing, that the said Societie hath beene, as we haue noted. For by the prouidence of all those Princes, the Staple Trade was from time to time established, and especially by King *Edward* the third, in whose raigne a great number of memorable Lawes were made for the purpose, appointing the said officers and their fees to preuent extortion; and all the Kings subiects, that would bring their goods to the Staple and trade, according to the Lawes and Ordinances thereof, were admitted to be Merchants; such was the free trade of this kingdome in those daies, wherin the subiects of all sorts vpon all occasions might freely participate vnder gouernment.

The ancient free Trade.

At these Staples were the Kings Customes duely collected, and by the officers of the Staple, at two seuerall times, paied into the Kings Exchequer; and by their gouernement were many inconueniencies preuented, whereby the former causes of the decay of trade, were either moderated or reformed, namely:

1 The moneys of the Realme were required to bee answered in true exchange, according to their intrinsike value, and their Doller, or other forraine coyne was by the Maior and Constables valued accordingly; for there was no merchandising exchange vsed, neither were Bankers knowne: and when there wanted money in the kingdome, or was like to want, order was taken by them to import Bullion, either the $\frac{1}{3}$ or $\frac{1}{5}$ part of the value of commodities exported: The debts betweene Merchants were transferred or set ouer by bills to bee registred before the Maior or Constable, which was currant without the strict proceedings of our Common Law. And the like may be done now by a Register authorised by his Maiesties letters Patents.

2 In those dayes vsurie was accounted to bee an abominable thing, for it was not vsed by any course politike: but seeing it is now so generall in all countreys, the best remedie to abate the same in price,

price, is to procure plentie of money within the Realme by the meanes before mentioned, which will bee more effectuall of course, than any law that will be deuiſed for the moderation thereof.

3 To auoide the litigious ſuits in law, the ſaid Maior and Conſtables of the Staple had authoritie to determine them with all expedition: and if it were vpon a difference betweene a Stapler and a Merchant ſtranger, there were two Merchants ſtrangers admitted and ioyned with the Maior or Conſtables to determine the ſame, and that with a preſent execution without delay, eſpecially vpon a Statute Staple acknowledged before the Maior or Conſtable, as aforeſaid.

4 The fiſhing Trade was not preoccupied by forrain nations, as it hath beene within theſe hundreth yeares, as hath beene noted; albeit ſuch Ships as were permitted to fiſh in the Kings Seas and dominions, payed ſix pence for euerie tunne burthen, which is now eighteen pence, and this trade might be eſtabliſhed with vs, notwithſtanding that the ſeuerall Societies of the Merchants Aduenturers, Ruſſia, and Eaſtland Merchants, are of opinion that England cannot maintaine the ſame, and the cloth Trade together, as they haue certified.

5 The indraping of wooll or making of cloth, being of late much increaſed beyond the Seas, and leſſe cloth made with vs, may giue the better meanes to eſtabliſh the fiſhing Trade, as aforeſaid.

6 The pollicies of Merchants of ſeuerall countries is to bee met withall, as the Staplers did in times paſt, looking to the ſales both of woolls, and all other Staple commodities, and the prices of forraine commodities, to preuent the ouerballancing in price of the ſaid forraine wares with our natiue commodities.

7 To preuent the falſe making of cloth, let vs obſerue that at theſe Staples, Merchants goods were alwaies diligently and carefully viewed and ſubſcribed, by the Correctors and other Officers of the Staple; to the end that all goods exported might bee anſwerable in goodneſſe to their expectation vpon the view required: whereby this Staple Trade continued without any interruption, for they were the ſole Merchants of the Realme without competitors, vntill the time of King *Henrie* the fourth; at which time certaine Mariners and Mercers of London, vſing to barter Engliſh clothes in Holland, Zealand, Brabant and other places, had by the ſaid King *Henry* the fourth, a gouernour ſet ouer them onely to bee a iudge to heare and deeide their controuerſies and to puniſh their miſdemeanors, with licenſe that they might congregate themſelues for that purpoſe, as by the graunt appeareth. This licence they in ſhort time peruerted, to the great diſturbance of the ancient courſe of the Staple, whereby the trade of the Realme greatly declined, and the Kings Cuſtomes decreaſed: ſo that from 160 thouſand pounds yearely payed out of the Staple, the Cuſtomes came ſhort of 120 thouſand pounds. Theſe new Merchants terming themſelues, *The fraternitie of Saint Thomas of Becket*, were by Act of Parlement, and by direction vnder the Great

The Fraternitie of Saint Thomas of Becket.

Seale of England, in the time of King *Henrie* the sixth, prohibited from doing any act that might preiudice the Staple; and so it continued vntill the two and twentieth yeare of King *Henrie* the seuenth, and then there was another great complaint in Parlement against the said fraternitie, for decaying of trade, and a verie strict law made against them, with especiall order that they should admit any of the Kings liege people into their societie paying vnto them ten markes, which vnder pretence of some priuiledges hath beene interrupted, and especially by his Maiesties Proclamation, in the fifteenth yeare of his Highnesse happie raigne, by reason of the controuersie for the dressing and dying of cloth: neuertheless in all their graunts, exception is made, That the Staplers should not be preiudiced, which in the wisedome of a Parlement will be found most necessarie to be vnited againe, to make a free trade vnder gouernment.

8 The exportation of the materialls for cloth, as woolls, Fullers earth, woolfells, and woodashes, is prohibited lately by his Maiesties Proclamation, with good orders for the execution thereof, according as heeretofore was done by the Correctors of the Staple for other commodities.

9 Touching the warres of Christendome, let vs obserue that King *Edward* the third, had also great wars in his times with France and in Ireland; and neuertheless he did receiue a verie great assistance by subsidies of fiftie shillings vpon euerie sacke of wooll exported for, and during the time of sixe yeares, which amounted to 1500 hundreth thousand pounds, when one ounce of siluer was valued but at twentie pence, which would now amount to foure millions and a halfe.

10 And lastly, the immoderate vse of forraine commodities, was by the Maior and Constables of the Staple, had in consideration; for they had alwaies an especiall care to the inriching of the Kingdome, because the prouident care of the King did put them in mind thereof: insomuch that when the said King became forgetfull therein, by reason of the warres, and that the Kingdome wanted chaffer, wares, and necessarie prouisions, the Parlement did absolutely deny to giue him any subsidie, as appeareth by the Chronicle of *Graston*, in the one and fiftieth yeare of his raigne: so that by the premisses things haue bin (in some measure) considered of, when least disorder in trade appeared.

A Con-

## A Concluſion to the iudicious Reader.

THe triuiall vice of Enuie is ſaid to be the mother of wickedneſſe, and accounted to ſit in an imaginarie Theater: Her Pallace is a dim and hollow vault, wherein ſhe waxeth pale and wan, as hauing the conſumption of the liuer; looking a ſquint, as borne vnder *Saturne*; neuer reſting, as though ſhee were an arme of *Ixions* wheele; engendred and hatched by the vgly Megara of Hell, that feeds and crams her gorge with Dragons, and ſomes out againe deadly poyſon. This vice hath ſent forth triple headed *Cerberus* vnder the ſhadow of *Zoilus*, *Momus*, and *Maſtix*, to performe her intended tragedie: but *Zoylus* (remembring that his railing Commentaries preſented by him to *Ptolome* king of Egypt, and his preſumption to bee better learned than *Homer* did worke his ouerthrow) goeth by with ſilence, and ſhaking his head, ſeemeth to be diſcontented, and vnder hand he doth inſtigate *Momus* and *Maſtix* to follow their enuious humors: wherupon *Momus* (with his carping eyes dimmed with paſſion) hauing curſorily read ouer this booke, taketh vpon him to be a great Pollitician or Statiſt, and findeth fault that many things therein contained (which he ter meth Myſteries) ſhould be publiſhed and made knowne, eſpecially ſuch as may concerne Princes in their reuenues, or ſecrets of their mints. Vnto him therefore I frame this anſwere, confeſſing and auoiding, that true it is, That the ancient Monarchies, Empires, and Common-weales held the knowledge of their reuenues in ſuch reuerence and ſecret, that none (but the officers which had the managing thereof) were made priuie of them, as being ſacred things, not fitting that the people ſhould take notice thereof, which was truely obſerued in the Romane Empire, and Common-weales of the Grecians. But as times produce varietie, and the maners of men do change, breeding corruption of lawes and cuſtomes, ſo was it found, that by this ſecrecie officers were both emboldned and enabled to deceiue the Princes thereby, and the people would pretend ignorance to giue vnto them their dues: whereupon the Senators of Rome (by mature deliberation) did ordaine, that from that time forward, the reuenues of their treaſure, and the dependances thereupon ſhould be publiſhed and made knowne, not only vnto the people,

Three enuious Satyres.

people, but vnto ſtrangers alſo, which the Emperor *Iuſtinian* cauſed to beobſerued, and other Emperors ſucceeding him, as appeareth by the Code and other Bookes, which the French Kings haue imitated euer ſince; willing and commaunding, that theſe things ſhould be knowne of euerie one, yea euen of the meere ſtrangers of other countries; ſo that this obiection is of ſmall moment, eſpecially this booke being moderate in the handling thereof.

Now *Maſtix* riding a falſe gallop on a hackney horſe (being full fraighted of conceits) commeth to towne, and maketh two exceptions to the methode and contents of the booke: firſt he will not allow the termes of Art, by diuiding of the ſame according to the three eſſentiall parts of Trafficke: next he will not haue Merchants ſecrets laied open, or their trades divulged.

To the firſt, conceming the being, eſſence, or exiſtance of things, he will make no difference betweene naturall things, and things artificiall, and ſo there is but two eſſentiall parts of *Materia & forma*, albeit that ſome Philoſophers haue eſtabliſhed three beginnings of naturall things, Matter, Forme, and Depriuation: The Matter hath no other office or function, but the changing from one Forme into another, Depriuation giuing an inclination thereunto; for Depriuation is an imperfection ſo conioyned to the Matter, that without her, if ſhe were ſeperated, nothing would be ingendered; and therefore in Heauen there is no Depriuation, and conſequently no generation ne corruption. The Forme therefore giueth perfection to the thing and being alſo; and without her the Matter is more imperfect than the eye is without the facultie of ſeeing, or the eares without hearing. But in artificialls, the being hath her parts, as Trafficke hath three, namely, Commodities, Money, and Exchange: ſo other things may conſiſt of more beings or ſimples, wherein the termes of Art are not excluded, neither can they auoid *Maſtix* his enuie.

To the ſecond, the whole contents of this Booke manifeſteth to all judicious Merchants how neceſſarie the knowledge is of the matter therein contained, to maintaine Equitie and Iuſtice by the Law of Nations; and that there is no particular ſecret of any Merchants trade reuealed, to the preiudice of any man or nation: in ſo much that they are much pleaſed with it, as being deſirous to aduance the good, and to baniſh the euill, obſeruing that vertue maketh a ſtranger grow naturall in a ſtrange countrie, and the vicious becommeth a meere ſtranger in his owne natiue ſoile. Let vertue therefore enioy her freedome, and poſſeſſe her priuiledges by the right of Law, and all the people ſhal flouriſh with equitie, Iuſtice ſhall maintaine Peace; Peace ſhall procure Securitie; Securitie ſhall nouriſh Wealth, and Wealth Felicitie. No man is to be diſmayed at his ſmall tallent, or to grudge at anothers greater proſperitie; for without doubt, Nature hath by her ſecret motion denied none, ſome perfect qualitie to ſupplie that want, which in himſelfe breeds diſcontent or miſlike: for euen as the fiſh (hauing no eares) hath a moſt cleere ſight; ſo though

want

want of dignitie be a disgrace to some, though want of coyne discontent diuers: and though lacke of wealth impaires the credit of many, yet nature hath supplied that outward ornament with such an internall reward, as a loyall and louing heart (notwithstanding many hard measures) will with constancie spend all his time for the good of the common-wealth being thereunto imployed.

This worke thus at length happily concluded, and commended to the kind acceptation of all gentle and well disposed minds, is not compiled to please the vaine appetite of some men, according to their nice opinion, but is referred to the judiciall and affable judgements of this age, to whom I shall (during the remainder of my daies) alwaies be readie to supplie any thing which in the next impression may be desired; not doubting but they will measure it by the iust desert, and censure thereof as their owne kind natures haue euer beene accustomed.

*Soli Deo gloria.*

*FINIS.*